SENATE JOURNAL
63RD LEGISLATURE
FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 7, 2013 — State Capitol

Senate convened at 12:00 p.m. Senator Jergeson, Co-Dean of the Senate, presiding.

Senator Jergeson appointed Father Jerry Lowney as temporary Chaplain and Dan Ritter as temporary Sergeant-at-Arms.

The colors were presented by the U.S. Army Reserve Honor Guard, followed by the Pledge of Allegiance.

The invocation was given by Senator Taylor Brown.

Senator Jergeson appointed Marilyn Miller of Helena as temporary Secretary of the Senate.

Secretary Miller called the roll of the newly elected Senators.

Dee Brown, SD 02
Bruce Tutvedt, SD 03
Janna Taylor, SD 06
Jennifer Fielder, SD 07
Rick Ripley, SD 09
Brad Hamlett, SD 10
Jonathan Windy Boy, SD 16
Greg Jergeson, SD 17
John Brenden, SD 18
Matthew Rosendale, Sr., SD 19
Sharon Stewart-Peregoy, SD 21
Taylor Brown, SD 22
Roger Webb, SD 24
Robyn Driscoll, SD 26
Elsie Arntzen, SD 27
Mike Phillips, SD 33
Scott Sales, SD 34
Debby Barrett, SD 36
Jon Sesso, SD 37
Jim Keane, SD 38
Christine Kaufmann, SD 41
Gene Vuckovich, SD 43
Scott Boulanger, SD 44
Fred Thomas, SD 45
Sue Malek, SD 46
Dick Barrett, SD 47

Cliff Larsen, SD 50

The Honorable Mike McGrath, Chief Justice of the Montana Supreme Court, administered the official oath of office to the new Senators.

Senator Murphy assumed the chair.

Roll Call. All members present. Quorum present.

Senator Wittich moved that the rules of the Senate as reflected in SR 1 and the joint rules as reflected in SJ 1, printed and placed on the members' desks this day, be adopted as the temporary operating rules of the 63rd Legislature. The motion carried unanimously.

Senator Lewis nominated Senator Jeff Essmann of District 28 for the office of the President of the Senate of the 63rd Legislature, and moved the election carry with it the name of Senator Debby Barrett of District 36 for the office of President Pro Tempore. Senator Sesso moved the nominations be closed and Senator Essmann be elected President of the Senate by acclamation. The motion carried unanimously.

Senator Essmann assumed the chair. President Essmann introduced his family and addressed the Senate. President Essmann introduced Senator Debby Barrett as President Pro Tempore; Senator Barrett introduced her family and addressed the Senate. President Essmann further introduced Senator Jon Sesso, as Minority Leader, and Senator Art Wittich as Majority Leader. Each leader introduced his family and addressed the Senate.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brenden, Chairman)

Agriculture, Livestock, and Irrigation
Brown, Taylor (R - Ch)
Moore, Eric (R – V Ch)
Augare, Shannon (D)
Boulanger, Scott (R)
Caferro, Mary (D)
Malek, Sue (D)
Murphy, Terry (R)
Phillips, Mike (D)
Sales, Scott (R)
Stewart-Peregoy, Sharon (D)
Taylor, Janna (R)

Business, Labor, and Economic Affairs
Sonju, Jon (R - Ch)
Jackson, Verdell (R - V Ch)

Arntzen, Elsie (R)
Barrett, Debby (R)
Brown, Dee (R)
Facey, Tom (D)
Moore, Eric (R)
Stewart-Peregoy, Sharon (D)
Van Dyk, Kendall (D)
Vuckovich, Gene (D)

Committee on Committees
Brenden, John (R)
Buttrey, Ed (R)
Lewis, Dave (R)
Ripley, Rick (R)
Vincent, Chas (R)
Walker, Ed (R)

Education and Cultural Resources
Peterson, Jim (R - Ch)
Jones, Llew (R – V Ch)
Arntzen, Elsie (R)
Brown, Taylor (R)
Driscoll, Robyn (D)
Facey, Tom (D)
Lewis, Dave (R)
Moore, Eric (R)
Stewart-Peregoy, Sharon (D)
Windy Boy, Jonathan (D)

Energy and Telecommunications
Olson, Alan (R - Ch)
Jackson, Verdell (R – V Ch)
Arthun, Ron (R)
Driscoll, Robyn (D)
Essmannn, Jeff (R)
Jergeson, Greg (D)
Jones, Llew (R)
Kaufmann, Christine (D)
Larsen, Cliff (D)
Priest, Jason (R)
Tropila, Mitch (D)
Vincent, Chas (R)
Walker, Ed (R)

Finance and Claims

Ripley, Rick (R - Ch)
Walker, Ed (R - V Ch)
Brenden, John (R)
Brown, Taylor (R)
Buttrey, Ed (R)
Caferro, Mary (D)
Essmannn, Jeff (R)
Hamlett, Brad (D)
Jones, Llew (R)
Keane, Jim (D)
Lewis, Dave (R)
Moore, Eric (R)
Olson, Alan (R)
Priest, Jason (R)
Rosendale, Matthew (R)
Sesso, Jon (D)
Tropila, Mitch (D)
Wanzenried, Dave (D)
Webb, Roger (R)
Windy Boy, Jonathan (D)

Fish and Game
Brenden, John (R - Ch)
Ripley, Rick (R – V Ch)
Barrett, Debby (R)
Facey, Tom (D)
Fielder, Jennifer (R)
Hamlett, Brad (D)
Jent, Larry (D)
Peterson, Jim (R)
Thomas, Fred (R)
Van Dyk, Kendall (D)

Highways and Transportation
Arntzen, Elsie (R - Ch)
Buttrey, Ed (R – V Ch)
Barrett, Dick (D)
Blewett, Anders (D)
Brown, Dee (R)
Keane, Jim (D)
Rosendale, Matthew (R)
Sonju, Jon (R)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)
Wanzenried, Dave (D)

Webb, Roger (R)

Judiciary
Murphy, Terry (R - Ch)
Sales, Scott (R – V Ch)
Augare, Shannon (D)
Blewett, Anders (D)
Boulanger, Scott (R)
Brenden, John (R)
Driscoll, Robyn (D)
Fielder, Jennifer (R)
Jent, Larry (D)
Larsen, Cliff (D)
Vincent, Chas (R)
Wittich, Art (R)

Legislative Administration
Buttrey, Ed (R - Ch)
Brown, Taylor (R – V Ch)
Augare, Shannon (D)
Kaufmann, Christine (D)
Murphy, Terry (R)

Local Government
Buttrey, Ed (R - Ch)
Taylor, Janna (R – V Ch)
Augare, Shannon (D)
Barrett, Dick (D)
Boulanger, Scott (R)
Malek, Sue (D)
Olson, Alan (R)
Tutvedt, Bruce (R)
Vuckovich, Gene (D)

Natural Resources
Vincent, Chas (R - Ch)
Brenden, John (R – V Ch)
Barrett, Debby (R)
Fielder, Jennifer (R)
Hamlett, Brad (D)
Jackson, Verdell (R)
Kaufmann, Christine (D)
Keane, Jim (D)
Larsen, Cliff (D)
Phillips, Mike (D)

Ripley, Rick (R)
Rosendale, Matthew (R)
Tropila, Mitch (D)
Walker, Ed (R)

Public Health, Welfare, and Safety
Priest, Jason (R - Ch)
Murphy, Terry (R – V Ch)
Caferro, Mary (D)
Jergeson, Greg (D)
Thomas, Fred (R)
Wanzenried, Dave (D)
Wittich, Art (R)

Rules
Wittich, Art (R - Ch)
Barrett, Debby (R – V Ch)
Driscoll, Robyn (D)
Essmannn, Jeff (R)
Jent, Larry (D)
Jergeson, Greg (D)
Larsen, Cliff (D)
Olson, Alan (R)
Phillips, Mike (D)
Priest, Jason (R)
Ripley, Rick (R)
Sales, Scott (R)
Sesso, Jon (D)
Thomas, Fred (R)
Vincent, Chas (R)

State Administration
Arthun, Ron (R - Ch)
Brown, Dee (R – V Ch)
Blewett, Anders (D)
Jent, Larry (D)
Sales, Scott (R)
Van Dyk, Kendall (D)
Webb, Roger (R)

Taxation
Tutvedt, Bruce (R - Ch)
Thomas, Fred (R – V Ch)
Arthun, Ron (R)
Barrett, Dick (D)

Essmannn, Jeff (R)
Jergeson, Greg (D)
Kaufmann, Christine (D)
Malek, Sue (D)
Peterson, Jim (R)
Phillips, Mike (D)
Taylor, Janna (R)
Wittich, Art (R)

Senator Brenden moved the adoption of the committee report. The motion carried unanimously.

Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments.

Armstrong, Bonner, Assistant Sergeant-at-Arms, Purchasing
Barrett, Brian, Majority Chief of Staff
Berger, Rick, Status Technician
Berger, Karen, Journal Clerk
Blomquist, Lisa, Word Processing
Bouchee, Jan, Committee Aide
Cormany, Allen, Sergeant's Office, Safety
Devine, Charlene, Committee Secretary, Local Government, Highways and Transportation
Durand, Dee, Committee Aide
Emge, Julie, Committee Secretary, Pub Health, Welfare & Safety, Energy & Telecomm
Gildroy, Prudence, Committee Secretary, Finance and Claims
Gorshe, Carolyn, Bills Distribution
Green, Anna, Minority Aide
Hamilton, Susie, Scanner
Hamilton, Pat, Sergeant's Office, Safety
Jackson, Osi, Majority Aide
Keim, Linda, Committee Secretary, Business and Labor
Kirkland, Janet, Committee Aide
Kulawik, Mary, Committee Secretary, Natural Resources, Fish and Game
Lavinder, Bobby, Committee Aide Supervisor
Lowney, Father Jerry, Chaplain
Lowrance, Brock, Majority Aide/Communications Director
MacIntyre, Kris, Secretary to the Secretary of the Senate
McCann, Dave, Sergeant's Office, Safety
Merwin, Spenser, Majority Aide
Miller, Marilyn, Secretary of the Senate
Nachtsheim, Joyce, Assistant Sergeant-at-Arms, Pages
Nachtsheim, Bruce, Assistant Sergeant-at-Arms, Safety
OLeary, Brian, Reading Clerk
O'Neill, Donna, Secretary to the President
Pettengill, Amanda, Majority Aide

Polhemus, Debra, Assistant Secretary of the Senate
Renaud, Carolyn, Bills Clerk
Rich, Charlene, Committee Secretary, Taxation
Ritter, Dan, Sergeant-at-Arms
Roberts, Walter, Amendment Coordinator
Samhammer, Emily, Minority Aide
Schindler, Pam, Committee Secretary, Judiciary
Sidor, Dan, Vote Clerk
Spencer, Nadine, Committee Secretary Supervisor
Staley, Lynn, Bills Coordinator
Stallbaumer, Kate, Minority Aide
Vergerant, Alison, Secretary to the Secretary of the Senate
Viehland, Daniel, Minority Aide
Warden, Darcy, Majority Aide
Whiting, Elizabeth, Committee Secy, Educ & Cultural Resources, Agriculture, Lvstock & Irrig

Senator Buttrey moved adoption of the Legislative Administration report. The motion carried unanimously.

SPECIAL ORDERS OF THE DAY

Secretary Miller read a letter of appointments from the President. Senator Debby Barrett submitted the President's appointments of Marilyn Miller as Secretary of the Senate, Dan Ritter as Sergeant-at-Arms, and Father Jerry Lowney as Chaplain, to the Senate for confirmation. The Senate confirmation was unanimous.

Senator Wittich moved the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Ripley, Chair, Senator Buttrey, Senator Blewett and Senator Facey.

Senator Wittich moved the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. The motion carried unanimously. The President appointed Senator Priest, Chair, Senator Walker, Senator Jent and Senator Keane.

Senator Wittich moved the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business, and that the Senate wishes them success in their deliberations. The motion carried unanimously. The President appointed Senator Rosendale, Chair, Senator Arntzen, Senator Phillips, and Senator Driscoll.

Senator Wittich moved the Senate stand at ease, subject to the call of the chair, to await the reports of the select committees. The motion carried unanimously.

REPORTS OF SELECT COMMITTEES

The Honorable Committee from the House of Representatives, consisting of Representative Fitzpatrick and Representative Pease-Lopez, reported the House of Representatives was organized.

The select committee appointed to notify the Chief Justice and members of the Supreme Court reported they had discharged their duty.

The select committee appointed to notify the Governor reported they had discharged their duty.

The select committee appointed to notify the House of Representatives reported they had discharged their duty.

MOTIONS

Senator Wittich moved the accredited members of the press, radio and television be granted the privilege of the Senate floor subject to the rules. The motion carried unanimously.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committee:

SB 1, introduced by Facey, referred to Finance and Claims.
SB 2, introduced by Facey (by request of the Education and Local Government Interim Committee), referred to Education and Cultural Resources.
SB 3, introduced by Essmannn (by request of the Legislative Council), referred to State Administration.
SB 4, introduced by Peterson (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 5, introduced by Buttrey (by request of the Select Committee on Efficiency in Government), referred to State Administration.
SB 6, introduced by Buttrey, referred to Highways and Transportation.
SB 7, introduced by Caferro (by request of the Select Committee on Efficiency in Government), referred to Public Health, Welfare and Safety.
SB 8, introduced by Murphy (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 9, introduced by Murphy (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 10, introduced by Caferro, referred to Business, Labor, and Economic Affairs.
SB 11, introduced by Caferro, referred to Public Health, Welfare and Safety.
SB 12, introduced by Lewis (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Public Health, Welfare and Safety.
SB 13, introduced by Wanzenried (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
SB 14, introduced by Wanzenried (by request of the Office of Public Instruction), referred to Education and Cultural Resources.

SB 15, introduced by Wanzenried (by request of the Department of Revenue), referred to Taxation.
SB 16, introduced by Dick Barrett (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
SB 17, introduced by Priest, referred to Judiciary.
SB 18, introduced by Hamlett (by request of the Water Policy Committee), referred to Natural Resources.
SB 19, introduced by Hamlett (by request of the Water Policy Committee), referred to Natural Resources.
SB 20, introduced by Jent (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 21, introduced by Arthun (by request of the Commissioner of Political Practices), referred to Judiciary.
SB 22, introduced by Arthun (by request of the Department of Revenue), referred to Judiciary.
SB 23, introduced by Rosendale, referred to Local Government.
SB 24, introduced by Rosendale, referred to Local Government.
SB 25, introduced by Jergeson (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
SB 26, introduced by Jergeson (by request of the Public Service Commission), referred to Energy and Telecommunications.
SB 27, introduced by Larsen (by request of the State Auditor), referred to Public Health, Welfare and Safety.
SB 28, introduced by Thomas (by request of the State Auditor), referred to Public Health, Welfare and Safety.
SB 29, introduced by Buttrey (by request of the Department of Commerce), referred to Business, Labor, and Economic Affairs.
SB 30, introduced by Buttrey (by request of the Department of Commerce), referred to Business, Labor, and Economic Affairs.
SB 31, introduced by Debby Barrett, referred to Energy and Telecommunications.
SB 32, introduced by Facey, referred to Education and Cultural Resources.
SB 33, introduced by Jent (by request of the Department of Military Affairs), referred to State Administration.
SB 34, introduced by Caferro (by request of the State Auditor), referred to Taxation.
SB 35, introduced by Keane (by request of the Select Committee on Efficiency in Government), referred to State Administration.
SB 36, introduced by Murphy (by request of the Department of Administration), referred to State Administration.
SB 37, introduced by Murphy (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 38, introduced by Vincent (by request of the Water Policy Committee), referred to Natural Resources.
SB 39, introduced by Vincent (by request of the Environmental Quality Council), referred to Agriculture, Livestock and Irrigation.
SB 40, introduced by Buttrey, referred to Local Government.
SB 41, introduced by Buttrey, referred to Local Government.

SB 42, introduced by Driscoll (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
SB 43, introduced by Wittich (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 44, introduced by Keane (by request of the Environmental Quality Council), referred to Natural Resources.
SB 45, introduced by Keane (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SB 46, introduced by Vuckovich (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 47, introduced by Keane (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 48, introduced by Jergeson (by request of the Department of Natural Resources and Conservation), referred to Local Government.
SB 49, introduced by Ripley (by request of the Legislative Finance Committee), referred to Finance and Claims.
SB 50, introduced by Augare (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 51, introduced by Augare (by request of the Law and Justice Interim Committee), referred to Public Health, Welfare and Safety.
SB 52, introduced by Keane, referred to Energy and Telecommunications.
SB 53, introduced by Driscoll (by request of the Public Defender Commission), referred to Judiciary.
SB 54, introduced by Facey (by request of the Economic Affairs Interim Committee), referred to Local Government.
SB 55, introduced by Kaufmann (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 56, introduced by Jent (by request of the Department of Revenue), referred to Taxation.
SB 57, introduced by Jent (by request of the Secretary of State), referred to State Administration.
SB 58, introduced by Kaufmann (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.
SB 59, introduced by Jergeson (by request of the Department of Public Health and Human Services), referred to Finance and Claims.
SB 60, introduced by Vuckovich (by request of the Environmental Quality Council), referred to Agriculture, Livestock and Irrigation.
SB 61, introduced by Ripley (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
SB 62, introduced by Ripley (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
SB 63, introduced by Blewett (by request of the Department of Military Affairs), referred to Finance and Claims.
SB 64, introduced by Facey (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 65, introduced by Wittich (by request of the Children, Families, Health, and Human

Services Interim Committee), referred to Judiciary.
SB 66, introduced by Arthun (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 67, introduced by Van Dyk (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 68, introduced by Driscoll, referred to State Administration.
SB 69, introduced by Walker (by request of the Select Committee on Efficiency in Government), referred to Public Health, Welfare and Safety.
SB 70, introduced by Walker (by request of the Department of Environmental Quality), referred to Energy and Telecommunications.
SB 71, introduced by Tropila (by request of the Code Commissioner), referred to Judiciary.
SB 72, introduced by Debby Barrett, referred to Agriculture, Livestock and Irrigation.
SB 73, introduced by Kaufmann (by request of the Board of Crime Control), referred to Judiciary.
SB 74, introduced by Priest, referred to Natural Resources.
SB 75, introduced by Priest, referred to Fish and Game.
SB 76, introduced by Vincent (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 77, introduced by Brenden, referred to Local Government.
SB 78, introduced by Lewis, referred to Education and Cultural Resources.
SB 79, introduced by Lewis, referred to Public Health, Welfare and Safety.
SB 80, introduced by Hamlett (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 81, introduced by Lewis, referred to Education and Cultural Resources.
SB 83, introduced by Murphy, referred to Fish and Game.
SB 84, introduced by Kaufmann (by request of the State Auditor), referred to Public Health, Welfare and Safety.
SB 85, introduced by Murphy, referred to Rules.
SB 86, introduced by F. Moore (by request of the Department of Livestock), referred to Rules.
SB 87, introduced by F. Moore (by request of the Education and Local Government Interim Committee), referred to State Administration.
SB 88, introduced by Dick Barrett (by request of the Reserved Water Rights Compact Commission), referred to Natural Resources.
SB 89, introduced by Jergeson (by request of the Department of Revenue), referred to Taxation.
SB 90, introduced by Olson (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
SB 91, introduced by Kaufmann (by request of the Department of Corrections), referred to Public Health, Welfare and Safety.
SB 92, introduced by Olson (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 93, introduced by Vuckovich (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.

The following Senate bill was introduced and read first time:

SB 82, introduced by Lewis.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 1, introduced by Wittich (by request of the Senate Rules Standing Committee), referred to Rules.

The following Senate joint resolutions were introduced, read first time, and referred to committee:

SJR 1, introduced by Wittich (by request of the Joint Rules Committee), referred to Rules.
SJR 2, introduced by Tutvedt, referred to Taxation.
SJR 3, introduced by Murphy (by request of the Law and Justice Interim Committee), referred to Judiciary.
SJR 4, introduced by Keane (by request of the Environmental Quality Council), referred to State Administration.
SJR 5, introduced by Wittich, referred to Judiciary.
SJR 6, introduced by Olson (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.

SPECIAL ORDERS OF THE DAY

Senator Wittich introduced the newly elected Republican Senators:

Elsie Arntzen
Scott Boulanger
Dee Brown
Jennifer Fielder
Matthew Rosendale, Sr.
Scott Sales
Janna Taylor
Fred Thomas
Roger Webb

Senator Sesso introduced the newly elected Democrat Senators:

Dick Barrett
Robyn Driscoll
Greg Jergeson
Sue Malek
Mike Phillips
Jon Sesso

Each new Senator addressed the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, January 8, 2013. Motion carried.

Senate adjourned at 1:18 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 8, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Secretary Miller introduced the Senate staff to the members of the Senate.

COMMUNICATIONS AND PETITIONS

Secretary Miller read a letter from the Montana Districting and Apportionment Commission transmitting documents to the 63rd Legislature as required in Article V, section 14, of the Montana Constitution and section 5-1-109, MCA. The documents contain the commission's plan for legislative redistricting based on the 2010 Census.

REPORTS OF STANDING COMMITTEES

RULES (Wittich, Chair): 1/8/2013
SJR 1, introduced joint resolution, be amended as follows:

1. Page 5, line 20.
Following: "~~on~~"
Insert: "adopting an adverse committee report and on"

2. Page 11, line 28.
Strike: "proposed"
Insert: "requested"
Strike: "introduced by request"
Insert: "on behalf"

3. Page 11, line 29.
Following: "department"
Insert: "through an interim or statutory committee"

4. Page 12, line 1.
Following: "introduced bill"
Insert: "by amendment."
Strike: "and"
Insert: "The phrase"

Strike: "whose" through "or"
Insert: "unless requested by a"

5. Page 12, line 11.
Following: "issue."
Insert: "Bills requested under this subsection (5)(b) may include the phrase "By Request of.....(Name of official or committee)"."

And, as amended, do pass. Report adopted.

MOTIONS

Senator Wittich moved **SB 85** be moved from the Rules committee to the Judiciary committee. Motion carried unanimously.

Senator Wittich moved **SB 86** be moved from the Rules committee to the Agriculture, Livestock and Irrigation committee. Motion carried unanimously

SPECIAL ORDERS OF THE DAY

Senator Moore Introduced Pages for this week:
Justan Baker, Scobey
Hailey Miller, Helena
Amelia Stafford, Helena

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, January 9, 2013. Motion carried.

Senate adjourned at 1:17 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 9, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brenden, Priest, and Ripley, excused. Quorum present.

BILLS AND JOURNALS:

Correctly engrossed: **SJR 1**.

REPORTS OF STANDING COMMITTEES

RULES (Wittich, Chair): 1/9/2013
SR 1, be adopted as amended. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 94, introduced by D. Brown, referred to Agriculture, Livestock and Irrigation.
SB 95, introduced by Tutvedt, referred to Agriculture, Livestock and Irrigation.
SB 96, introduced by Tutvedt, referred to Taxation.
SB 97, introduced by Priest, referred to Judiciary.
SB 98, introduced by Priest, referred to Judiciary.
SB 99, introduced by Olson, referred to Business, Labor, and Economic Affairs.
SB 100, introduced by D. Brown, referred to Taxation.
SB 101, introduced by Facey, referred to Fish and Game.
SB 102, introduced by Facey, referred to Education and Cultural Resources.
SB 103, introduced by Webb, referred to Business, Labor, and Economic Affairs.
SB 104, introduced by Webb, referred to Business, Labor, and Economic Affairs.
SB 105, introduced by T. Brown, referred to Judiciary.
SB 106, introduced by Jergeson, referred to Energy and Telecommunications.
SB 107, introduced by Facey, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Essmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on

second reading, recommend as follows:

SJ 1 - Senator Wittich moved **SJ 1** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Ripley.
Total 3

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann in the chair.

Senator Wittich moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Ripley.
Total 3

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 37**

Motion carried.

SB 37 (Murphy, Chief Sponsor)
Senators Hamlett, Lewis, F. Moore, Ripley, Rosendale, Taylor, Thomas, and Walker.

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 88**
Motion carried.

SB 88 (Dick Barrett, Chief Sponsor)
Senators Debby Barrett and Peterson.

SPECIAL ORDERS OF THE DAY

President Essmann announced the Senate will not be in floor session on Saturday, January 12, and that it was possible only one house would be in floor session on Saturday, January 19. Discussion ensued; Senator Keane requested the record reflect his disagreement with the possibility that all legislators would be paid for a day when only one house is in session.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, January 10, 2013. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 10, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS: 1/10/2013

Correctly printed: **SB 94**, **SB 95**, **SB 96**, **SB 97**, **SB 98**, **SB 99**, **SB 100**, **SB 101**, **SB 102**, **SB 103**, **SB 104**, **SB 105**, **SB 106**, **SB 107**, **SJ 1**.
Correctly engrossed: **SR 1**.
Transmitted to the House: **SJ 1**

MOTIONS

Majority Leader Wittich moved the Senate recess and proceed to the House of Representatives for a joint session for the purpose of hearing an address from U.S. Senator Max Baucus. Upon adjournment of the joint session, the Senate will reconvene to conduct business. Motion carried.

After the Senate was introduced in the House Chambers, President Essmann assumed the chair.

Majority Leader Wittich moved that the Senate and House of Representatives resolve into a joint session for the purpose of receiving an address from U.S. Senator Max Baucus. Motion carried.

President Essmann appointed a committee comprised of Senators Alan Olson and Christine Kaufmann, and Representatives Sarah Laszloffy and Bryce Bennett and charged the committee to accompany Senator Baucus into the chambers.

President Essmann introduced Senator Baucus to the joint session, and the Senator gave the following speech:

*****

It's an honor to be here. Thank you for inviting me to speak.

It's a bittersweet moment for me to be standing here without seeing my mom here. Many of you knew my mother, Jean Baucus, and how blessed we were to have her with us. She embodied everything we believe in as Montanans. My mom was pure Montana.

I'm so proud and happy that my wife, Mel, is here today.

On Monday, it was an honor to see our Native American tribes recognized at the swearing in ceremony on the steps of the Capitol.

Being here brings back some wonderful memories I have from serving in this chamber. And, it gives me a chance to see who's sitting in my old desk. Alan Redfield from Livingston! Alan, welcome to the Montana legislature. I hope that your time here is as meaningful as it was for me.

I learned something important here that is increasingly relevant to our time. Nothing of consequence can be achieved alone. In all my years in public office, I've never seen such a time of toxic partisanship.

In the sweep of history, nations are not defeated by external forces. They are defeated by internal decay. Which means we have no choice but to work together for meaning results.

It's a time that begs for the wisdom of people like Mike Mansfield. Mike once told me: "Max, remember: the other guy's not always wrong. And you're not always right." It's humbling advice.

Sometimes it's the small steps toward decency and civility that count the most.

Take New Year's Day for example. At 2 AM on January 1st, I walked over to Mitch McConnell's office. He was catching a couple Z's after a long, tough night of back and forth over the fiscal cliff. I knocked on his door. No answer. I turned around to leave and someone said: he's in there, try again. I knocked again. Mitch came to the door, a bit groggy and a bit surprised. I said, "Happy New Year!" He looked at me, surprised, and said, "Thanks, Max! You're the first person to wish me a happy New Year."

And, just the other day, I crossed the Capitol to welcome our new Congressman, Steve Daines, to Washington. Steve's a good guy.

WORKDAYS

As often as possible, I spend a day working at a Montana business. In the last year, I had some great days working alongside crews across the state. Everything from the sugar beet factory in Billings to sorting mail early in the morning at the post office in Missoula. Heck - the other day I found myself crawling in a dark tunnel in a hard rock mine near Troy.

Recently in Missoula, I worked on an impressive housing project out by the Wye. It's part of the NeighborWorks program based in Great Falls. Neighbors work together on each other's homes in order to build sweat equity. And no family can move into their new home until all of the homes are completed. These families work side by side to build each home. And in turn, they build a community.

I spent a day raising the exterior walls alongside a home owner and some of his neighbors. Odds are the neighbors won't always see eye to eye. But, the value of each home is strengthened when the entire neighborhood is complete.

The program has helped close to 100 families in Montana achieve the American dream in the last 9 years.

In this new legislative session, you too, will be working for the people you serve in your own districts. When you work together with people from other districts, the entire state will rise.

Today is a great beginning. We have a mix of old hands and fresh faces. You have a unique opportunity to do something big for Montana. It's what Montanans expect from us.

Because, after all, we're just the hired hands.

WORKING TOGETHER TO DELIVER RESULTS

Why are we here? What do people want from us? It's jobs. Cutting waste. When we do our job by working together we can cut wasteful spending. We can invest in infrastructure and education. We can keep good-paying jobs in Montana.

For example, working together on the Highway Bill in Congress, we got the job done. And, I made sure it was very good for Montana.

Working together for the highway bill means:
" 13,500 Montana jobs.
" Let me repeat that: 13,500 Montana jobs.
" $400 million in annual federal funding for Montana.
" For every $1 Montanans contribute to the Highway Trust fund, we'll get back $2.23.

You don't see that kind of return on any investment anywhere.

As part of the highway bill, I was also able to secure support from both sides of the aisle on my Secure Rural Schools (SRS) and Payment in Lieu of Taxes (PILT) amendment. Together they bring nearly $50 million to Montana counties every year.

These funds help repair county roads, keep the boilers running at our rural schools and keep the lights on for our search and rescue crews.

We did it without adding a dime to the federal deficit. Not one, thin dime!

Working together delivers results.

ENERGY JOBS

We are so lucky to be Montanans.

We are outdoors people. We want to hunt, fish, hike, go camping and enjoy the beauty of our home. We're here for our majestic views, clean rivers, and the adventure of our outdoors. We are truly the Treasure State.

We're so lucky to have our natural resources that we must take advantage of. We've been blessed with timber, gold, copper, coal, gas and wind. When it comes to energy: Montana has it all.

And we've got to work together to make sure Montana can use every tool available to maximize our energy potential. There are an estimated 18,000 jobs ready for the taking in the Bakken. Montanans should get those jobs.

And, they shouldn't have to leave our state to get the training they need.

I worked together with Montana's university system and community colleges to launch new job training to get those jobs here. We worked with energy companies operating in Montana to hire Montanans first. We're making progress because we're working together.

The oil boom has been a bright spot for our economy. Providing good-paying jobs we need. The boom has also strained local infrastructure in communities across eastern Montana.

That's why I directly urged the President to provide every appropriate federal resource to the Bakken.

And, you can bet, I'm going to keep up the pressure.

Wind energy is also adding to the diversity of our state's energy treasures.

Again, working together with my committee in the Senate, I helped extend the Production Tax Credit that supports wind farm projects in Montana.

Projects like the Rim Rock Wind Farm in Glacier and Toole counties and the Musselshell Wind Farm in Golden Valley and Wheatland counties.

This tax credit has helped bring more than $1.5 billion in investment to Montana and supported 1,500 jobs. That's 1,500 more paychecks supporting Montana families and helping them put food on the table. That's 1,500 more paychecks supporting our Main Street businesses in places like Shawmut, Shelby and beyond.

Just two weeks ago, the Rim Rock Wind Farm powered up with the capacity to provide power to 60,000 households per year. The project has already contributed more than $40 million to Montana's GDP.

Annual property tax payments from the Rim Rock project are expected to exceed $2.5 million. That's $2.5 million to help invest in schools and infrastructure that will support even more jobs.

And of course, we have abundant coal. And we should utilize it responsibly by investing in clean coal technology.

I fought hard to make sure our universities can move forward with a cutting edge public-private clean coal demonstration project by supporting $70 million in federal funding.

I've also worked hard to make sure regulations on regional haze and coal ash are reasonable.

And, after well over three years of studies, it's time to cut through the red tape and put Montanans to work on the Keystone Pipeline. 2013 needs to be the year we get it done.

FARM BILL

One-in-five Montana jobs rely on our number one industry: Agriculture.

In 2010, agriculture generated $2.6 billion in income on over 29,000 farms and ranches.

Wheat and beef account for about three-fourths of the state's agricultural receipts. Other important crops include peas and lentils, seed potatoes, sugar beets, honey and barley for beer.

Speaking of beer, did you know we have more small breweries per capita than nearly anywhere else in the country? That's jobs.

Montana is the largest organic wheat producer in the country.

Working together with Republicans and Democrats, I led the charge to pass a bipartisan farm bill out of the Senate this year. A bill that worked for all of Montana agriculture.

It got stuck in the House, but I worked hard to get a 9-month extension as part of the fiscal cliff bill. I'm going to keep fighting tooth and nail for a long-term farm bill.

Because one in five Montana jobs is counting on it.

FIGHTING FOR MONTANA PRIORITIES

The so-called "fiscal cliff" was, perhaps, the most glaring example of people refusing to work together. We should never have gotten to that point.

However, in the end folks were able to come together to stop tax rates from spiking for Montana families and small businesses.

While the final result wasn't perfect, I managed to get others on board to protect Montana priorities.

We kept income taxes from going up on Montana's working families.

We provided permanent estate tax relief for Montana farmers, ranchers and small businesses. Let me repeat that: permanent estate tax relief! Not one year, not ten years. Permanent.

We extended tax cuts that allow families to deduct the cost of college tuition. That will help nearly 30,000 working Montana families send their kids to college.

We extended tax cuts that help small businesses access the capital they need to grow and hire

more workers.

We extended tax credits to make it cheaper for businesses to hire new workers.

That includes a specific credit for businesses that hire unemployed veterans. And another to help businesses who support our Montana Guard and Reserve members by making up the difference in their salaries when they deploy.

But make no mistake, no one in Congress should be patting themselves on the back. The final compromise left many tough questions unanswered. Now more than ever, we have to come together and get serious about tackling our debt.

We started that process in 2011 by cutting $1 trillion in spending through the Budget Control Act. It included $40 billion in cutting out waste, fraud and abuse in programs like unemployment insurance.

We've got to continue that work so we aren't kicking the can down the road to our kids and grandkids. We must do it, and we will do it by rolling up our sleeves and working together.

VETERANS

There's another lesson I learned working in the Montana legislature that's never left me. In fact, it's rule number one in my office: Remember who we serve.

Montanans have a basic, moral expectation that we work together to leave this place in better shape than we found it.

In that vein, I ask that we take a moment to also remember who is serving us.

Right now we have nearly 300 Montana troops risking their lives in Afghanistan.

With more veterans per capita than nearly anywhere else in the country: Montanans proudly answer when duty calls. Just think: one in ten Montanans is a vet.

Let's recognize our Lieutenant Governor, General John Walsh and all 28 veterans currently serving in the Montana legislature.

Let's all stand up and give them a big thank you.

When a service member puts on his or her uniform, the entire family carries the burden.

The Skillman family of Helena is a proud example of this commitment. There's a bright young gal here named Suzie Skillman. She's 4-years-old. Imagine: her dad, her grandpa and her grandma deployed together to serve in Afghanistan.

Suzie's dad, Jaymes Skillman, along with her grandparents Dan and Lola are currently providing

life support for troops in Afghanistan with the 652nd Regional Support Group. That's the kind of service that tugs at us to do our part to make sure the Skillmans and all of our troops can return to a country and a state that is worthy of their sacrifice.

Let's all recognize Suzie's mom, Amber, for holding down the home front!

I had the honor of spending Thanksgiving with some of Montana's wounded warriors this year. These young people display so much courage in their sacrifices, dedication to service, and long fight to recovery.

These patriots are Montana's future leaders. Instead of nation-building in Afghanistan, we need to invest in Americans like them.

So today, I'm declaring a war on veteran unemployment. And I ask you to join me in this fight.

The very first bill I introduce in the new congress will help us sharpen the weapons we need to win.

First, it will expand our efforts to make sure veterans can transfer the skills they learn in the military into the civilian job market.

If you're certified to operate as a mechanic in Kabul, you ought to be certified in Billings without having to jump through hoops.

So last year I started a pilot program to make sure that when our troops train to do a job in the military they earn their civilian licenses at the same time. This effort is already under way for EMTs, mechanics and truck drivers. But it's time to expand it to firefighters, military police, air traffic controllers, and countless other positions.

These men and women are getting the best training in the world. And their work ethic is second to none. We need to do our part to help them bring those same skills into their lives back home.

Second, my bill will demand accountability and transparency from the agencies in charge of getting the job done.

Right now there are six different programs tasked with tackling veteran unemployment just between the Departments of Veterans Affairs and Labor. Six.

And yet, in 2011, 1,000 Iraq and Afghanistan veterans were unemployed in Montana, and 234,000 nationwide, according to the Joint Economic Committee. That doesn't add up.

So, my bill will require agencies to set measurable goals for improving coordination.

And because there's nothing like sunshine to light a fire under folks, it will require them to submit annual reports to Congress -- and more importantly to the American people.

This is just the first step. We have a lot more work ahead of us to end veteran unemployment once

and for all. But I believe we can do it if we work together. And I am encouraged by the work we've done so far.

In 2010, the Joint Economic Committee reported Montana's unemployment rate at more than 20 percent for Iraq and Afghanistan veterans. Just one year later, in 2011, it was down to 17.5 percent. Clearly even 1 percent is too high. But we are moving in the right direction thanks to aggressive action.

In 2009, I authored the original tax credit for businesses who hire unemployed veterans. In 2010 I began work to make sure it was extended. And by the end of that 2011 it was signed into law.

In 2012, my committee came together to extend it again. And we will continue looking for ways to get the word out and make it work better for Montana veterans and businesses.

Doing what's right for our veterans is something we can all agree on. It's not about being Democrats or Republicans. It's about being Americans.

I'm going to be working together with both sides of the aisle and continuing to press the President to join our efforts until every single veteran returns home to a good paycheck instead of an unemployment check.

MONTANA ECONOMIC DEVELOPMENT SUMMITS

A few days ago, we got some great news: A Butte family company called SeaCast is partnering with GE Aviation to create a new joint venture and new Montana jobs.

The seeds for this important relationship were planted at our 5th Montana Economic Development Summit in Butte in 2010.

I've held these summits every three years, bringing business leaders from across the country together with Montana entrepreneurs to create jobs.

They work.

Prior to the summit, Seacast had 21 employees. They currently have more than 70.

This new venture is expected to add hundreds of jobs. These are high-tech, good-paying jobs Montana needs.

I'm proud to announce we'll be holding another Montana Economic Development Summit this fall.

I look forward to hearing your ideas on how we can make it the best summit yet that will yield even more great results like what we're seeing with SeaCast in Butte.

CLOSING:

As we look forward to the fresh possibilities of a new legislature and a new governor, I encourage you to work together to deliver results. I wish you the very best in this important endeavor.

We stand upon the tall shoulders of great statesmen and women who have come before us.

There's nothing wrong with disagreeing. But, as my mentor, Mike Mansfield said:"It doesn't do any harm to listen." I encourage you to consider his advice today, tomorrow and in the days to come. Listen to each other. Learn from each other. Serve those who have entrusted you.

And take steps of every magnitude to work together. It's worth it.

And, frankly, it's more fun that way!

It's been an honor to be here. Thank you for having me.

*****

Majority Leader Wittich moved the joint session be adjourned. The motion passed.

Senate reconvened at 2:10 p.m.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 108, introduced by T. Brown, referred to Taxation.
SB 109, introduced by Rosendale, referred to Business, Labor, and Economic Affairs.
SB 110, introduced by T. Brown, referred to Judiciary.
SB 111, introduced by Rosendale, Ballance, D. Brown, Thomas, referred to Highways and Transportation.
SB 112, introduced by Blewett, referred to Judiciary.
SB 113, introduced by Blewett, referred to Judiciary.
SB 114, introduced by Taylor, Murphy, Regier, Sonju, referred to Business, Labor, and Economic Affairs.
SB 115, introduced by Taylor, Tutvedt, referred to Public Health, Welfare and Safety.
SB 116, introduced by Arthun, referred to Highways and Transportation.
SB 117, introduced by Sonju, Miller, Tutvedt, referred to Finance and Claims.
SB 118, introduced by Thomas, Ballance, Boulanger, Connell, Ehli, Greef, Jent, Phillips, referred to Fish and Game.
SB 119, introduced by Larsen, Ankney, Driscoll, Edmunds, Facey, Hamlett, Peterson, referred to State Administration.
SB 120, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Essmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 1 - Senator Wittich moved **SR 1** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann in the chair.

Majority Leader Wittich moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 1 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 107**
Motion carried.

SB 107 (Facey, Chief Sponsor)
Representative Hill.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, January 11, 2013. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 11, 2013 — State Capitol

Senate convened at 1:05 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SB 108**, **SB 109**, **SB 110**, **SB 111**, **SB 112**, **SB 113**, **SB 114**, **SB 115**, **SB 116**, **SB 117**, **SB 118**, **SB 119**, **SB 120**.
Correctly enrolled: **SR 1**.
Examined by the sponsor and found to be correct: **SR 1**.
Signed by the Secretary of the Senate at 2:15 p.m., January 11, 2013: **SR 1**.
Signed by the President at 3:07 p.m., January 11, 2013: **SR 1**.
Delivered to the Secretary of State at 3:40 p.m., January 11, 2013: **SR 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/11/2013
SB 46, do pass. Report adopted.
SB 47, do pass. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Moore thanked the week's pages for their service.

Representatives Reichner, McChesney, Noonan, and McNiven were admitted to the floor of the Senate. The Representatives urged participation in the traditional House/Senate basketball game.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

MOTIONS

Majority Leader Wittich moved the Senate recess and proceed to the House of Representatives for a joint session for the purpose of hearing an address from former Justice Keith Regnier, Presiding Officer of the Districting and Apportionment Commission, and, upon adjournment of the joint session, the Senate be adjourned until 1:00 p.m., Monday, January 14, 2013. Motion carried.

After the Senate was introduced in the House Chambers, President Essmann assumed the chair.

Majority Leader Wittich moved the Senate and House of Representatives resolve into a joint

session for the purpose of receiving an address from former Justice Keith Regnier, the presiding officer of the Districting and Apportionment Commission. Motion carried.

Commissioner Regnier addressed the joint session regarding redistricting, apportionment, mandatory and discretionary criteria and other state and federal requirements, and specific challenges faced by the commission. Other members of the commission include Jon Bennion, Joe Lamson, Pat Smith, and Linda Vaughey.

Commissioner Regnier introduced Mike Allen, Julianne Burkhardt, Dawn Field, Joe Kolman, and Rachel Weiss, Legislative Services Division staff members who support the work of the commission.

Majority Leader Wittich moved the joint session be adjourned. The motion carried. The Senate is adjourned until 1:00 p.m., Monday, January 14, 2013.

Senate adjourned at 2:12 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 14, 2013 — State Capitol

Senate convened at 1.00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Priest, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/14/2013

Correctly printed: **SB 46**, **SB 47**.

Senator Wittich moved the Senate recess and proceed to the House of Representatives for a joint session for the purpose of hearing an address from U.S. Senator Jon Tester. Motion carried.

After the Senate was announced in the House Chambers, President Essmann assumed the chair.

Majority Leader Wittich moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving an address from U.S. Senator Jon Tester. Motion carried.

President Essmann appointed a committee comprised of Senators Augare and Lewis, and Representatives Swanson and Zolnikov and charged the committee to accompany Senator Tester into the chambers.

President Essmann introduced Senator Tester to the joint session, and the Senator gave the following speech:

*****

President Essmann, Speaker Blasdel, Senator Sesso, Representative Hunter: To the members serving in "The People's House," to the members coming over from "The Upper House," and to all of the guests of this chamber, and to all of the people of Montana watching on TV: Thank you for having me share a few words.

I also want to welcome the newly minted legislators serving in Montana's 64th legislative assembly. Thank you for your willingness to serve the people of Montana. You now have the opportunity to work with your neighbors from throughout Montana - as citizen legislators to make Montana a better place.

I'd like to ask all veterans here today to please stand.

Ladies and gentlemen, the Montanans standing are true public servants whose service we will never forget. Please join me in saying thanks, with our applause. Now it is our turn to do our part, at the state level and at the federal level. We made a promise to Montana's 103,000 veterans to live up to the standard of quality health care to address injuries seen and unseen - no matter where they live.

In that vein, I want to say thank you to all who worked so hard to get Montana's share of matching dollars for the Southwestern Montana Veterans' Home. We have more work to do at the federal level to make this project come to fruition I would ask you to make sure that spending authority remains at the state level. We owe it to all veterans to make it easier for military experience to count here at home to find meaningful work in the private sector.

Regarding high unemployment among our veterans, we need to do better passing policies like "The Vow to Hire Heroes Act." At the federal level or others - in the end - there are no excuses.

Regarding high rates of suicide among our veterans, whether it's working to reduce the backlog at the VA for those veterans eligible to receive benefits, or working to get more mental healthcare professionals into the field - in the end - there are no excuses.

Members of the legislature, we share a tremendous honor - a tremendous responsibility - in public service.

Montana's Citizen Legislature is the best model, when it comes to the way things are supposed to work in government. I fell in love with Montana's legislative process the first day I arrived here. And it continues to be my second love. Don't worry. My wife Sharla will always be my first love.

As ordinary citizens you have the special experience to come together in Helena and work together over the next few months to pass policies that hopefully will make Montana a better place for us and our kids and grandkids.

Then at the end of 90 days - or less - you go back home to live and work - along with a million other Montanans - subject to those policies that you created as citizen legislators during this legislative session.

Montanans are depending on you to use your common sense and your ability to have a respectful dialogue, agreeing to disagree without being disagreeable. Folks like seniors, students and teachers, veterans, Native Americans, hunters, hikers and anglers, moms and dads, small business owners. Farmers and ranchers, working families, firefighters, police and first responders.

They're relying on you to do your best-not as Republicans or Democrats or Libertarians-but as Montanans. They are trusting you and your decisions about small business. Education. Agriculture. Health care. Social justice. Criminal justice. Sports opportunities. Responsible energy development.

Your decisions should be based on your life experiences along with the input of our neighbors, underpinned by a personal commitment to work together.

A citizen legislature works-as long as you make it work. As long as folks from Sidney and Glendive are willing to work together with folks from Butte and Missoula.

As long as citizenship comes before partisanship. As long as policies are not shaped by politics, but rather common sense and good ideas. I want to say that again: A citizen legislature works as long as policies are not shaped by politics, but rather by common sense and good ideas to move Montana forward.

The founders of our country had a citizen legislature in mind for the U.S. Congress. Most of them made a living in agriculture. They worked around calving, spring planting and harvest. I believe in the value of a citizen legislature so much, it's the reason Sharla and I still operate our farm outside Big Sandy. That perspective is too important for me to ever lose sight of.

A few weeks ago, I had the honor of playing Taps at the funeral of a good friend of mine named Daniel Inouye. Senator Inouye was an American hero. He was one of the millions who served this nation as part of the "Greatest Generation."

In World War Two, Danny Inouye lost his right arm during a bloody attack in Italy. Even after he was shot in the stomach and then got his arm blown off, he kept on fighting to protect America's freedom. After the War, he was elected to the U.S. House of Representatives, serving the new state of Hawaii. A few years later, he became senator.
And as my luck would have it, my office in Washington was right next to his.

Senator Inouye taught me many things. But maybe the most significant was his commitment to this country through public service. Whether it be on the battlefield or in Congress, public service is important and oftentimes not easy.

Whether you're a Hawaiian war hero or a Montana dirt farmer - whether you're a Missoula businesswoman or a Wilsall rancher - you have the power to create a better place for all of us - and for our kids and grandkids.

After all, that's why all of us are in public service: to work together to create a better place for future generations.

Our new governor shares that desire. Seeing pictures of Steve and Lisa and their children last week as Steve took his oath - was a strong reminder of the commitment to secure opportunity for future generations. To create jobs. To protect our way of life.

When it comes to responsible decisions to pass a budget that puts Montana first and keeps a surplus in the bank - you have a partner in Steve Bullock. When it comes to responsibly creating jobs and investing in education and developing energy - you have a partner. When it comes to an environment that will grow Montana's small businesses - and keeping Montana's

credit rating high - an environment that rewards people and businesses that work hard and live by the rules - you have a partner in Governor Bullock.

Montana's economic future is full of potential, and it's going to take responsible public service to drive that potential home. With your leadership, Montana will be a place where new businesses grow. Where growing businesses will grow even more.

Over the past four years, I put together 12 Small Business Opportunity Workshops. Each of them focused on connecting businesses to each other. And building new opportunities to create jobs and expand.

Last year, I teamed up with a Republican from Pennsylvania named Pat Toomey to pass legislation making it easier for startup companies to raise capital. Our bill is now the law of the land. And it's going to work for Montana, making investment dollars more available to allow businesses to expand and create more good paying jobs here in Montana.

The demand for better access to capital is growing. The credit market is easing up.

Cutting-edge high-tech companies like Microbion in Bozeman, and Rivertop Renewables in Missoula know that Montana is a perfect place to create and grow a business.

Why? Because Montana is still seen as a place that has clean water and clean air.

Because Montana has incredible outdoor opportunity due in part to our incredible public lands. Because Montana has a great work ethic combined with a higher education program that works with business and produces a well-trained workforce. Because Montana's K-12 public schools offer a great education. And because of the good work done by Governor Schweitzer and previous legislatures, Montana's books are in order. And other companies are taking notice.

In Butte, SeaCast is expanding with the promise of new jobs. We all see the growth - and the challenges and opportunities that come with it - in the Bakken.

My message to you is this: The things I just listed attract business. And yes, they come with a monetary cost. But if we do not make the investment, we will not be able to collect the profit.

Uncertainty will set us back. Irresponsible policies will put us on the wrong track. Focusing on issues that divide us will only send a message that creating Montana jobs is not a priority.

The election is over. And now as legislators - as Montana leaders - you have the opportunity to be advocates for Montana. Be advocates. Work together. Don't focus on division and distraction. Rather focus on those ideas that move Montana forward.

If anyone needs a reminder about our responsibility to work together, it's Washington, D.C.

You saw Congress - yet again - flirt with disaster right up until the play clock ran out on New Year's Eve. You saw both sides of the aisle draw lines in the sand, because they insist on

idealism. Not realism. You saw our entire American economy on the brink of the cliff. On the brink simply because a handful of people refused to work together.

In Washington and in Helena, we can't afford to let brinksmanship replace statesmanship. Remember, history is written by statesmen and women, not those who stand in the way.

The fiscal problems that face our country at the federal level can and must be addressed. It is our biggest challenge. Cutting spending and increasing revenue will be necessary if we are to solve our budgetary woes.

When it comes to spending, every program needs to be on the table - every program. When it comes to revenue, one only needs to look as far as the Simpson/Bowles Commission plan to see how screwed up our tax code has become. According to that commission, tax earmarks cost us $1.1 trillion. We can do better than that.

But we will not solve this country's fiscal challenges by taking an unbending pledge to any political party or political group.

It will be solved by taking responsibility together, by governing together to build a big, long-term, bipartisan solution that truly cuts debt and spending. That will give us a solution that will address our tax code for the long haul-to protect working families-and Montana's small businesses and family farms and ranches.

On a side note what Congress did on New Year's Eve and New Year's Day to avoid this month's "Fiscal Cliff" was better than nothing - but not much.
Montanans have told me over the past few years that they're willing to pitch in and - just like Senator Inouye's greatest generation - make some sacrifices to get this nation on the right track.

I look forward to working with Max and Congressman Daines - working together to get the tax code fixed and to get our fiscal house in order. As I said earlier, this is our country's biggest challenge and this is Congress's biggest challenge.

Speaking of Congressman Daines, I have had the privilege of meeting him, his wife and his family. He is someone I appreciate. And I look forward to working with him on issues important to this country and Montana.

Of course, there are other priorities too.

Many of us are still looking back on what was a record-breaking election. Outside groups - on both sides - spent tens of millions of dollars with little transparency and no accountability.

This is not the way we do business in Montana. Montanans sent a loud-and-clear message to all of us serving in public office: Corporations are not people. And only people and their ideas - not corporations and their money - decide our elections.

By a three-to-one margin, Montanans passed a constitutional initiative requiring Senator Baucus, Congressman Daines and me to work on this at the national level. That's why I support overturning the Citizens United decision. Like most Montanans, I see that ruling as a kick-in-the-teeth to our Democracy.

In Montana, that ruling upended our 100-year old state law keeping corporations out of elections. It opened the floodgates to more TV commercials than we've ever seen before. In fact in this past Senate election, more Senate commercials were on TV in Montana than any other senate race in the country - ever.

In many cases, these ads were funded by secret, out-of-state money whose origins we may never know. That's why we must put a premium on transparency and accountability, just as we've always done in Montana.

In the Senate, I support requiring disclosure of all major campaign expenses - from corporations and unions. Remarkably, it didn't get the 60 votes needed to move forward. All Americans deserve better.

I hope there will be bills here in Helena addressing this issue over the next 83 days. Remember that transparency and accountability and disclosure always have - and always will - run deep in Montana.

Then there's health care.

Whether you love it or hate it - and I love some of it and hate some of it - it's now your responsibility to decide this state's role in putting health care reform to work. There was an opportunity last session for the state of Montana to set up a healthcare exchange to help make insurance more affordable over the long haul.

That opportunity was missed, and now the federal government will do it for Montana. I would have preferred the former.

There will be other ways Montana can puts its fingerprint on more affordable health care this session. I encourage you all to do your best in achieving this goal to not only make healthcare more affordable but in that process improve our economy.

Montana is one of only two states that has no authority to review health insurance rates to make sure that they are fair for consumers. Commissioner Monica Lindeen wants to change that, to protect us consumers from high insurance costs. She knows that the federal government has no business taking over insurance regulation. Many of us couldn't agree more.

We have huge infrastructure investment needs across this state. I'm talking about physical infrastructure, like roads and bridges, water and sewer systems, schools, hospitals and broadband. Sound infrastructure is an important piece of a strong economy.

With energy development booming, we have a responsibility to embrace all energy resources, and to provide the infrastructure needed to bring them to their fullest potential. In Eastern Montana where the Bakken Boom has hit, the infrastructure needs in that area are critical. Solving those infrastructure challenges for the long term will be important.

Investing in our human infrastructure means a tax code that rewards businesses big and small for creating jobs here at home. It means investing in our kids and their teachers, not only at the K-12 level, but also at the higher ed level.

Our kids are Montana's most precious resource and our most valuable asset. A well-trained workforce and a new crop of entrepreneurs every year positions the private sector for success.

And I join most Montanans in supporting Superintendent Denise Juneau's bold vision for better education at all levels in this state. We'll need your guidance as Congress hopefully says goodbye to "No Child Left Behind" and "Race To the Top," and reforms the Elementary and Secondary Education Act. As we bring Montana classrooms into the 21st Century with new technology. As we level the playing field as Montana schools implement a common core of education standards. As we push to let local districts - not federal bureaucrats - decide what goes in school lunches.

There are a lot of decisions for you to make over the next 83 days. A lot of meetings and hearings. A lot of public input. There will be a lot of debate and hopefully compromise too.

I want to share some powerful words from another great veteran. Senator Mike Mansfield once reminded us that there are two sides to every issue.
"Sometimes the other side is right," he said. "It doesn't do any harm to listen." Mike Mansfield was a man of few words, and they were words to live by.

No one person has all the answers. But all of you together do have the answers. And working together, you'll find them. It's not just a challenge. It's a responsibility. It's an opportunity to prove that citizenship must come before partisanship. It's an opportunity to prove that public service is self-sacrifice.

When my grandparents homesteaded near Big Sandy a hundred years ago, they were part of a community of pioneers. With their neighbors, they built barns, community halls, churches, even homes together. They built the hospital in Big Sandy - together.

Nobody asked what party they belonged to before the work started. They just got it done because it made life better for them their families and their neighbors. Needless to say, in some cases, it was a matter of survival.

And it wasn't just Big Sandy. Communities across Montana were built by folks sacrificing together, working together. The people who were first in Montana - American Indians - lived that value too.

Generations before us have shown us the way. It is our responsibility to make sure we let no one down. I'm proud to be your partner in that effort. And I stand ready to work with you.

Good luck in the weeks ahead. And God Bless.

*****

Majority Leader Wittich moved the joint session be adjourned. The motion carried.

Senate reconvened at 1:45 p.m.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 121, introduced by Fielder, Larsen, F. Moore, Taylor, Thomas, Van Dyk, referred to Judiciary.
SB 122, introduced by Facey, referred to State Administration.
SB 123, introduced by Van Dyk, Driscoll, Facey, Jent, Kary, F. Moore, Murphy, Peterson, Phillips, Vincent, Welborn, referred to Fish and Game.
SB 124, introduced by Malek, Tutvedt, referred to State Administration.
SB 125, introduced by Olson, Arthun, Clark, Jackson, L. Jones, Kary, Knudsen, O'Hara, Taylor, Walker, Zolnikov, referred to Energy and Telecommunications.
SB 126, introduced by Sesso, Curtis, Keane, Lynch, McClafferty, Noonan, referred to Business, Labor, and Economic Affairs.
SB 127, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.
SB 128, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.
SB 129, introduced by Buttrey, referred to Business, Labor, and Economic Affairs.
SB 130, introduced by Murphy, referred to Taxation.
SB 131, introduced by Wanzenried, referred to Taxation.
SB 132, introduced by Jergeson, referred to Local Government.
SB 133, introduced by Rosendale, referred to Judiciary.
SB 134, introduced by Brenden, Arthun, Debby Barrett, Boulanger, L. Jones, Keane, Lewis, Olson, Ripley, Rosendale, Thomas, Vincent, Walker, Webb, referred to Judiciary.
SB 135, introduced by Wittich, referred to Finance and Claims.
SB 136, introduced by Larsen, Buttrey, Caferro, Fielder, Hagan, Hamlett, Keane, McChesney, Olson, Tutvedt, Van Dyk, Vincent, Wittich, referred to Business, Labor, and Economic Affairs.
SB 137, introduced by Olson, Regier, referred to Natural Resources.
SB 138, introduced by Wittich, referred to Taxation.

The following House bill was introduced, read first time, and referred to committee:

HB 1, introduced by Ankney (by request of the Legislative Council), referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 46 - Senator Vuckovich moved **SB 46** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 41

Nays: Boulanger, Lewis, Moore, Rosendale, Taylor, Walker, Webb, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 47 - Senator Keane moved **SB 47** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Fielder, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann in the chair. Chair Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 1/14/2013

HB 1, introduced by Ankney.

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the Senate Pages for the week of January 14-18, 2013.

Jennifer Fosjord, Ryegate
Matthew Meuli, Dayton
Mikayla Meuli, Dayton

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, January 15, 2013. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 15, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Ripley, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/15/2013

Correctly printed: **SB 46**, **SB 47**, **SB 121**, **SB 122**, **SB 123**, **SB 124**, **SB 125**, **SB 126**, **SB 127**, **SB 128**, **SB 129**, **SB 130**, **SB 131**, **SB 132**, **SB 133**, **SB 134**, **SB 135**, **SB 136**, **SB 137**, **SB 138**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 1/15/2013
SB 8, introduced bill, be amended as follows:
1. Page 3.
Following: line 4
Insert: "(9) The department of justice shall make available to the public information regarding the degree of compliance by municipal, county, consolidated local government, and state law enforcement agencies with the requirements of this section."
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 50, do pass. Report adopted.
SB 53, introduced bill, be amended as follows:
1. Page 5, line 17.
Strike: "1 day"
Insert: "3 days"

And, as amended, do pass. Report adopted.

SB 71, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/15/2013
SB 29, do pass. Report adopted.
SB 64, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "ALLOWING" on line 5 through "CONDITIONS;" on line 6

2. Title, page 1, line 9.
Strike: "AMENDING" through "MCA;"

3. Page 1, line 14 through page 2, line 17.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent sections

4. Page 2, line 24.
Strike: "3"
Insert: "1"

5. Page 2, line 25.
Strike: "3]"
Insert: "1]"

6. Page 2, line 26.
Strike: "3]"
Insert: "1]"

7. Page 2, line 27.
Strike: "3]"
Insert: "1]"

8. Page 2, line 28.
Strike: "3]"
Insert: "1]"

9. Page 2, line 29.
Strike: "3]"
Insert: "1]"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 139, introduced by Walker, Arthun, Blasdel, Boulanger, Brenden, Brodehl, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Fiscus, Gibson, L. Jones, Lenz, Lewis, Miller, Peterson, Ripley, Rosendale, Sales, C. Smith, Sonju, Taylor, Thomas, Wagoner, Wanzenried, Webb, Windy Boy, Wittich, referred to Business, Labor, and Economic Affairs.
SB 140, introduced by Wittich, referred to Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 46 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 42

Nays: Boulanger, Lewis, Moore, Rosendale, Walker, Webb, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Ripley.
Total 1

SB 47 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Sales, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Ripley.
Total 1

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 7** Motion carried.

SB 7 (Caferro, Chief Sponsor)
Senators Buttrey, Keane, and Sonju, and Representatives Blasdel, Ehli, Hollenbaugh, Noonan, Reichner, and Williams.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, January 16, 2013. Motion carried.

Senate adjourned at 1:17 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 16, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Jent, excused. Quorum present.
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BILLS AND JOURNALS (Buttrey, Chair): 1/16/2013

Correctly printed: **SB 29**, **SB 50**, **SB 71**, **SB 139**, **SB 140**
Correctly engrossed: **SB 8**, **SB 53**, **SB 64**.
Transmitted to the House: **SB 46**, **SB 47**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 1/16/2013
SB 52, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 1/16/2013
SB 75, do pass as amended. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 141, introduced by Olson, referred to Energy and Telecommunications.
SB 142, introduced by Wanzenried, referred to State Administration.
SB 143, introduced by Brenden, Arthun, Boulanger, T. Brown, Buttrey, L. Jones, Keane, Lang, Lewis, F. Moore, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, referred to Fish and Game.
SB 144, introduced by Sesso, referred to Natural Resources.
SB 145, introduced by F. Moore, Arthun, Boulanger, Brenden, T. Brown, Fielder, Jackson, L. Jones, Lewis, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Wittich, referred to Judiciary.
SB 146, introduced by Buttrey, referred to Local Government.
SB 147, introduced by Buttrey, referred to Local Government.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 2, introduced by Olson, Driscoll, Larsen, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 29 - Senator Buttrey moved **SB 29** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 50 - Senator Augare moved **SB 50** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Debby Barrett.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Jergeson assumed the chair**.**

SB 71 - Senator Tropila moved **SB 71** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Tropila returned to the chair.

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann in the chair. Chair Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 55**.

Motion carried.

SB 55 (Kaufmann, Chief Sponsor)
Senator Wittich, Representatives Bangerter and Williams.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, January 17, 2013. Motion carried.

Senate adjourned at 1:25 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 17, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/17/2013

Correctly printed: **SB 29**, **SB 50**, **SB 52**, **SB 71**, **SB 141**, **SB 142**, **SB 143**, **SB 144**, **SB 145**, **SB 146**, **SB 147**, **SR 2**.
Correctly engrossed: **SB 75**.

Majority Leader Wittich announced the Republicans would caucus until 1:15 p.m..
Minority Leader Sesso announced the Democrats would caucus until 1:15 p.m.
Senate recessed until 1:15 p.m.

Session called back to order at 1:30 p.m.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/17/2013
SB 30, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "REQUIREMENTS;"
Insert: "DEFINING AND"

2. Title, page 1, line 7.
Strike: "SECTION"
Insert: "SECTIONS 90-1-201 AND"

3. Page 1, line 11.
Insert: "Section 1. Section 90-1-201, MCA, is amended to read:

"90-1-201. Big sky economic development program -- definitions. (1) (a) There is a big sky economic development program that consists of:

(i) the big sky economic development fund established in 17-5-703; and

(ii) the economic development special revenue account provided for in 90-1-205.

(b) Interest and income from the big sky economic development fund may be used to administer the big sky economic development program and to provide financial assistance for qualified economic development purposes under this part.

(2) As used in this part, the following definitions apply:

(a) "Certified regional development corporation" has the meaning provided in 90-1-116.

(b) "Department" means the department of commerce provided for in 2-15-1801.

(c) "Economic development organization" means:

(i) (A) a private, nonprofit corporation, as provided in Title 35, chapter 2, that is exempt from taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(3) or 501(c)(6);

(B) an entity certified by the department under 90-1-116; or

(C) an entity established by a local government; or

(ii) an entity actively engaged in economic development and business assistance work in a region of the state.

(d) "Employee benefits" means health, welfare, and pension contributions that meet the requirements of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq.

~~(d)~~(e) "High-poverty county" means a county in this state in which 14% or more of people of all ages are in poverty as determined by the U.S. bureau of the census estimates for the most current year available.

~~(e)~~(f) "Local government" means a county, consolidated government, city, town, or district or local public entity with the authority to spend or receive public funds.

~~(f)~~(g) "Tribal government" means any one of the seven federally recognized tribal governments of Montana and the Little Shell band of Chippewa Indians.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 1/17/2013

SB 65, do pass. Report adopted.

SB 73, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/17/2013

SB 15, do pass. Report adopted.

SB 16, do pass. Report adopted.

COMMITTEE ON COMMITTEES (Brenden, Chair): 1/17/2013

Appointments to Joint Select Committee on Pensions, do pass. Report adopted.

Lewis (Chair), Arthun, Facey, Jent, Sales, Vincent

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/17/2013

HB 35, introduced by Miller

HB 42, introduced by Regier

HB 53, introduced by Ingraham

HB 92, introduced by Curtis

HB 93, introduced by McClafferty

HB 132, introduced by Lavin
HB 139, introduced by Lavin

House joint resolution passed and transmitted to the Senate for concurrence: 1/17/2013

HJR 1, introduced by Blyton

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 148, introduced by L. Jones, Berry, Blasdel, Buttrey, Hansen, Knudsen, O'Hara, Reichner, C. Smith, Sonju, Tutvedt, Vance, Welborn, Wittich, referred to Business, Labor, and Economic Affairs.
SB 149, introduced by Thomas, referred to Public Health, Welfare and Safety.
SB 150, introduced by Driscoll, Larsen, McCarthy, Miller, Regier, Schwaderer, Van Dyk, Wilmer, Zolnikov, referred to Judiciary.
SB 151, introduced by Peterson, Arthun, Boulanger, Clark, Lynch, Pierson, Rosendale, Taylor, Thomas, referred to Fish and Game.
SB 152, introduced by Thomas, referred to Judiciary.
SB 153, introduced by Thomas, Berry, Larsen, Olson, referred to State Administration.
SB 154, introduced by Vincent, referred to Natural Resources.
SB 155, introduced by Vincent, referred to Fish and Game.
SB 156, introduced by Vincent, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 8 - Senator Murphy moved **SB 8** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Dick Barrett, Caferro.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 53 - Senator Driscoll moved **SB 53** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 64 - Senator Facey moved **SB 64** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Sales, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann in the chair. Chair Olson moved the Committee of the

Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 29 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 50 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 71 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 134**. Motion carried.

SB 134 (Brenden, Chief Sponsor)
Representatives Eck and McCarthy.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Sesso informed the Senate that Senator Cliff Larsen has been named the Veteran of the Year by the Montana National Guard and Enlisted Association.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, January 18, 2013. Motion carried.

Senate adjourned at 2:01 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 18, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare, Buttrey, Olson, Priest and Thomas, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/18/2013

Correctly printed: **SB 8**, **SB 15**, **SB 16**, **SB 53**, **SB 64**, **SB 65**, **SB 73**, **SB 148**, **SB 149**, **SB 150**, **SB 151**, **SB 152**, **SB 153**, **SB 154**, **SB 155**, **SB 156**.
Correctly engrossed: **SB 30**.
Transmitted to the House: **SB 29**, **SB 50**, **SB 71**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 1/18/2013
SB 39, do pass. Report adopted.
SB 60, do pass. Report adopted.
SB 72, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 1/18/2013
SR 2, introduced resolution, be amended as follows:

1. Page 1, line 8.
Strike: "Legislature"
Insert: "Senate"

2. Page 1, line 22.
Strike: "Legislature"
Insert: "Senate"

3. Page 1, line 26.
Strike: "Legislature"
Insert: "Senate"

4. Page 2, line 9.
Strike: "Legislature"
Insert: "Senate"

5. Page 2, line 12.

Strike: "Legislature"
Insert: "Senate"

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 1/18/2013
HB 1, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 1/18/2013
SB 111, introduced bill, be amended as follows:

1. Page 1, line 12.
Strike: "cities"
Insert: "urban areas"

2. Page 1, line 13.
Following: "state"
Insert: "as delineated and reported in the latest federal census"
Strike: "urban"
Strike: "over"
Following: "5,000"
Insert: "or more"
Strike: "city"
Insert: "urban area"

3. Page 1, line 14.
Strike: "cities"
Insert: "urban areas"
Following: "state"
Strike: "with" through "5,000"

4. Page 1, line 15 through line 17.
Strike: "incorporated" on line 15 through "5,000" on line 17
Insert: "urban area, as reported in the latest federal census, with a population of 5,000 or more"

5. Page 1, line 17.
Strike: "unincorporated urban"
Insert: "the adjusted and federal highway administration- approved"
Strike: "delineated" through "in"
Insert: "based on"

6. Page 1, line 18 through line 20.
Strike: "; or" on line 18 through "population" on line 20

7. Page 1, line 22.
Following: "any"
Strike: "city"
Insert: "urban area"
Following: "that"
Strike: "city"
Insert: "urban area"

8. Page 1, line 23.
Following: "that"
Strike: "city"
Insert: "urban area"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 1/18/2013
SB 43, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "INVESTIGATORS ARE EMPLOYEES OF"
Insert: "INVESTIGATIONS BE CONDUCTED BY"

2. Page 1, line 19.
Following: "abuse"
Insert: "and injuries from an unknown source"

3. Page 1, line 20.
Following: "abuse"
Insert: "and each injury from an unknown source"

4. Page 1, line 21.
Following: "facility"
Insert: "and to the department of justice"
Strike: "there must be"
Insert: "the residential facility shall maintain"
Following: line 21
Insert: "(a) each allegation and each injury from an unknown source has been reported to the department of justice;"
Renumber: subsequent subsections

5. Page 1, line 22.
Following: "allegation"
Insert: "and each injury from an unknown source"
Following: "stated;"

Strike: "and"

6. Page 1, line 23.
Following: "allegation"
Insert: "or injury from an unknown source"

7. Page 1, line 24.
Following: "incident"
Insert: ";"
Following: "and"
Insert: "(d)"

8. Page 1, line 28.
Following: "42 U.S.C. 15043(a)(2)"
Insert: ", within 5 business days of the incident. The residential facility may not redact any information that is provided pursuant to this subsection"

9. Page 1, line 29.
Following: "section"
Insert: "to the same extent that the reports are confidential under state and federal laws applicable to the residential facility"

10. Page 2, line 2 through line 3.
Strike: line 2 through line 3
Insert: "(5) Upon receiving a report of an allegation of mistreatment, neglect, or abuse or of an injury from an unknown source, the department of justice shall conduct a thorough investigation of each allegation or each injury from an unknown source and provide a written report of its investigation and findings to the superintendent of the residential facility within 5 business days of the incident.

(6) The residential facility shall provide the department of justice with access to records and other information necessary to conduct investigations under this section. The department of justice shall maintain the confidentiality of any information received in the course of conducting investigations under this section to the same extent that the information is confidential under state and federal laws applicable to the residential facility.

(7) If a state licensing authority or federal medicaid certification authority issues a statement of deficiency indicating that the residential facility has failed to meet licensing or certification standards due to the thoroughness or timeliness of an investigation conducted under this section, the department of justice shall participate in preparing a plan of correction to restore the residential facility's compliance with licensing or certification standards.

(8) If in the course of conducting an investigation under this section the department of justice develops reasonable cause to believe that a criminal offense has occurred, the department of justice shall refer the matter to the appropriate local law enforcement agency."

And, as amended, do pass. Report adopted.

SB 51, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/18/2013
SJR 2, introduced joint resolution, be amended as follows:

1. Page 2, line 10.
Strike: "$1,988,754,000"
Insert: "$1,994,950,000"
Strike: "$2,044,564,000"
Insert: "$2,137,410,000"

2. Page 2, line 11.
Strike: "$2,124,162,000"
Insert: "$2,137,410,000"

3. Page 2, line 13.
Strike: "$457,067,144"
Insert: "$452,400,000"

4. Page 3, line 6.
Strike: "983.667"
Insert: "983.953"
Strike: "1,031.320"
Insert: "1,039.160"
Strike: "1,092.206"
Insert: "1,104.898"

5. Page 3, line 7.
Strike: "246.620"
Insert: "246.621"
Strike: "254.651"
Insert: "254.664"

6. Page 3, line 8.
Strike: "149.158"
Insert: "150.658"
Strike: "152.832"
Insert: "154.096"
Strike: "154.149"
Insert: "155.022"

7. Page 3, line 9.
Strike: "84.497"
Insert: "84.608"

Strike: "85.078"
Insert: "85.070"
Strike: "85.668"
Insert: "85.651"

8. Page 3, line 10.
Strike: "59.087"
Insert: "59.932"
Strike: "50.817"
Insert: "52.021"
Strike: "52.869"
Insert: "54.052"

9. Page 3, line 11.
Strike: "24.455"
Insert: "24.451"
Strike: "24.431"
Insert: "24.424"
Strike: "24.498"
Insert: "24.411"

10. Page 3, line 12.
Strike: "34.286"
Insert: "36.989"
Strike: "29.368"
Insert: "30.953"
Strike: "27.645"
Insert: "29.009"

11. Page 3, line 13.
Strike: "32.536"
Insert: "32.595"
Strike: "32.373"
Insert: "32.488"
Strike: "32.644"
Insert: "32.773"

12. Page 3, line 15.
Strike: "22.601"
Insert: "22.606"
Strike: "23.238"
Insert: "23.236"
Strike: "23.902"
Insert: "23.823"

13. Page 3, line 16.
Strike: "57.704"
Insert: "57.706"
Strike: "59.932"
Insert: "59.929"
Strike: "62.133"
Insert: "62.117"

14. Page 3, line 17.
Strike: "2.894"
Insert: "2.779"
Strike: "2.533"
Insert: "2.346"
Strike: "5.090"
Insert: "2.778"

15. Page 3, line 19.
Strike: "98.266"
Insert: "98.750"
Strike: "99.857"
Insert: "99.336"
Strike: "98.226"
Insert: "97.427"

16. Page 3, line 20.
Strike: "16.204"
Insert: "16.225"
Strike: "16.315"
Insert: "16.314"
Strike: "16.428"
Insert: "16.425"

17. Page 3, line 21.
Strike: "16.232"
Insert: "16.332"
Strike: "17.641"
Insert: "17.663"
Strike: "18.403"
Insert: "18.301"

18. Page 4, line 1.
Strike: "17.309"
Insert: "17.314"
Strike: "18.356"

Insert: "18.365"
Strike: "19.467"
Insert: "19.477"

19. Page 4, line 2.
Strike: "12.851"
Insert: "12.864"
Strike: "14.842"
Insert: "14.857"
Strike: "15.903"
Insert: "15.906"

20. Page 4, line 3.
Strike: "18.196"
Insert: "18.206"
Strike: "19.269"
Insert: "19.284"
Strike: "20.433"
Insert: "20.431"

21. Page 4, line 4.
Strike: "30.680"
Insert: "30.991"
Strike: "29.844"
Insert: "30.433"
Strike: "28.847"
Insert: "29.499"

22. Page 4, line 5.
Strike: "7.204"
Insert: "7.210"
Strike: "7.440"
Insert: "7.457"
Strike: "7.689"
Insert: "7.714"

23. Page 4, line 6.
Strike: "14.563"
Insert: "14.477"
Strike: "14.518"
Insert: "14.342"
Strike: "15.283"
Insert: "15.076"

24. Page 4, line 7.
Strike: "10.606"
Insert: "10.604"
Strike: "10.988"
Insert: "10.985"
Strike: "11.601"
Insert: "11.602"

25. Page 4, line 11.
Strike: "4.430"
Insert: "4.427"
Strike: "4.469"
Insert: "4.467"

26. Page 4, line 14.
Strike: "5.830"
Insert: "5.821"
Strike: "6.015"
Insert: "6.005"
Strike: "6.193"
Insert: "6.197"

27. Page 4, line 15.
Strike: "3.873"
Insert: "3.867"
Strike: "4.394"
Insert: "4.389"
Strike: "3.930"
Insert: "3.923"

28. Page 4, line 16.
Strike: "3.563"
Insert: "3.539"
Strike: "3.679"
Insert: "3.632"
Strike: "3.788"
Insert: "3.744"

29. Page 4, line 17.
Strike: "2.322"
Insert: "2.320"
Strike: "2.452"
Insert: "2.437"

30. Page 4, line 18.
Strike: "2.157"
Insert: "2.144"
Strike: "2.229"
Insert: "2.218"
Strike: "2.300"
Insert: "2.291"

31. Page 4, line 19.
Strike: "3.055"
Insert: "3.052"
Strike: "3.070"
Insert: "3.067"
Strike: "3.087"
Insert: "3.085"

32. Page 4, line 20.
Strike: "1,988.754"
Insert: "1,994.950"
Strike: "2,044.564"
Insert: "2,056.252"
Strike: "2,124.162"
Insert: "2,137.410"

33. Page 5, line 3.
Strike: "$36.049"
Insert: "$36.193"
Strike: "$36.734"
Insert: "$37.255"
Strike: "$37.245"
Insert: "$38.0459"

34. Page 5, line 4.
Strike: "0.60%"
Insert: "0.67%"
Strike: "1.39%"
Insert: "1.34%"
Strike: "1.37%"
Insert: "1.34%"
Strike: "1.55%"
Insert: "1.58%"

35. Page 5, line 6.
Strike: "4.38%"

Insert: "4.35%"
Strike: "3.60%"
Insert: "3.17%"
Strike: "4.45%"
Insert: "4.50%"
Strike: "5.03%"
Insert: "5.07%"

36. Page 5, line 7.
Strike: "-25.97%"
Insert: "-14.75%"
Strike: "82.77%"
Insert: "60.25%"
Strike: "24.61%"
Insert: "23.45%"
Strike: "5.85%"
Insert: "5.74%"

37. Page 5, line 8.
Strike: "-1.05%"
Insert: "-1.12%"
Strike: "0.43%"
Insert: "1.03%"
Strike: "4.24%"
Insert: "2.96%"
Strike: "7.39%"
Insert: "6.16%"

38. Page 5, line 9.
Strike: "11.56%"
Insert: "13.08%"
Strike: "6.68%"
Insert: "-1.88%"
Strike: "-1.02%"
Insert: "9.48%"

39. Page 5, line 10.
Strike: "3.31%"
Insert: "3.12%"
Strike: "2.17%"
Insert: "4.64%"
Strike: "7.56%"
Insert: "8.96%"
Strike: "3.15%"

Insert: "5.10%"

40. Page 5, line 11.
Strike: "4.71%"
Insert: "4.74%"
Strike: "8.76%"
Insert: "7.10%"
Strike: "-2.69%"
Insert: "-1.64%"
Strike: "2.11%"
Insert: "2.17%"

41. Page 5, line 12.
Strike: "26.42%"
Insert: "28.89%"
Strike: "-6.19%"
Insert: "3.39%"
Strike: "-2.08%"
Insert: "3.40%"
Strike: "13.78%"
Insert: "10.88%"

42. Page 5, line 13.
Strike: "12.85%"
Insert: "16.28%"
Strike: "5.38%"
Insert: "2.94%"
Strike: "10.69%"
Insert: "8.32%"
Strike: "5.04%"
Insert: "7.99%"

43. Page 5, line 14.
Strike: "3.12%"
Insert: "3.02%"
Strike: "4.33%"
Insert: "3.90%"
Strike: "8.20%"
Insert: "8.51%"
Strike: "7.37%"
Insert: "6.97%"

44. Page 5, line 15.
Strike: "15.70%"

Insert: "9.95%"
Strike: "15.40%"
Insert: "10.76%"
Strike: "14.14%"
Insert: "12.05%"
Strike: "12.28%"
Insert: "11.75%"

45. Page 5, line 16.
Strike: "6.95%"
Insert: "5.09%"
Strike: "7.53%"
Insert: "5.58%"
Strike: "8.00%"
Insert: "7.00%"
Strike: "7.78%"
Insert: "7.49%"

46. Page 5, line 17.
Strike: "-0.23%"
Insert: "0.00%"
Strike: "-0.23%"
Insert: "0.00%"
Strike: "-0.24%"
Insert: "0.00%"
Strike: "-0.25%"
Insert: "0.00%"

47. Page 5, line 18.
Strike: "15.15%"
Insert: "16.04%"
Strike: "-2.33%"
Insert: "-1.08%"
Strike: "-7.20%"
Insert: "-7.29%"
Strike: "-10.55%"
Insert: "-5.60%"

48. Page 5, line 19.
Strike: the first "-4.34%"
Insert: "0.00%"
Strike: the second "-4.34%"
Insert: "0.00%"
Strike: the third "-4.34%"

Insert: "0.00%"
Strike: the fourth "-4.34%"
Insert: "0.00%"

49. Page 6, line 1.
Strike: "11.41%"
Insert: "11.35%"
Strike: "11.88%"
Insert: "11.87%"
Strike: "12.45%"
Insert: "12.31%"

50. Page 6, line 13.
Strike: "29.30%"
Insert: "30.62%"
Strike: "3.86%"
Insert: "5.80%"
Strike: "5.89%"
Insert: "6.21%"
Strike: "6.61%"
Insert: "7.32%"

51. Page 6, line 15.
Strike: "$835.799"
Insert: "$842.262"
Strike: "$869.776"
Insert: "$887.531"
Strike: "$919.308"
Insert: "$940.049"
Strike: "$977.701"
Insert: "$1,005.320"

52. Page 6, line 18.
Strike: "870.554"
Insert: "$889.940"

53. Page 7, line 1.
Strike: "$4.331"
Insert: "$4.337"

54. Page 7, line 13.
Strike: "$2,589.604"
Insert: "$2,589.610"

55. Page 7, line 17.
Strike: "$2,656.503"
Insert: "$2,656.509"

56. Page 8, line 6.
Strike: "0.75%"
Insert: "0.88%"
Strike: the first "0.69%"
Insert: "0.55%"
Strike: the second "0.69%"
Insert: "0.68%"

57. Page 8, line 7.
Strike: "0.75%"
Insert: "0.88%"
Strike: the first "0.69%"
Insert: "0.55%"
Strike: the second "0.69%"
Insert: "0.68%"

58. Page 8, line 8.
Strike: "0.75%"
Insert: "0.88%"
Strike: the first "0.69%"
Insert: "0.55%"
Strike: the second "0.69%"
Insert: "0.68%"

59. Page 8, line 9.
Strike: "0.75%"
Insert: "0.88%"
Strike: the first "0.69%"
Insert: "0.55%"
Strike: the second "0.69%"
Insert: "0.68%"

60. Page 8, line 12.
Strike: "$2.765"
Insert: "$2.757"
Strike: "$2.778"
Insert: "$2.758"
Strike: "$2.821"
Insert: "$2.798"
Strike: "$2.865"

Insert: "$2.841"

61. Page 8, line 13.
Strike: "$14.481"
Insert: "$14.531"
Strike: "$13.709"
Insert: "$13.742 "
Strike: "$13.320"
Insert: "$13.152"
Strike: "$12.339"
Insert: "$12.339"

62. Page 8, line 14.
Strike: "$0.806"
Insert: "$0.805 "
Strike: "$1.544"
Insert: "$1.646"
Strike: "$1.807"
Insert: "$1.751"
Strike: "$2.311"
Insert: "$2.255"

63. Page 8, line 15.
Strike: "$1.305"
Insert: "$1.342"
Strike: "$1.399"
Insert: "$1.379"
Strike: "$1.580"
Insert: "$1.560"

64. Page 8, line 16.
Strike: "$35.462"
Insert: "$35.540"
Strike: "$34.540"
Insert: "$34.141"

65. Page 8, line 17.
Strike: "$14.285"
Insert: "$14.159"
Strike: "$14.664"
Insert: "$14.515"
Strike: "$15.017"
Insert: "$14.892"
Strike: "$15.463"

Insert: "$15.348"

66. Page 8, line 18.
Strike: "$8.670"
Insert: "$9.126"
Strike: "$9.195"
Insert: "$9.600"
Strike: "$9.922"
Insert: "$10.162"
Strike: "$10.591"
Insert: "$10.851"

67. Page 8, line 19.
Strike: "$2.254"
Insert: "$2.305"
Strike: "$2.387"
Insert: "$2.358"
Strike: "$2.642"
Insert: "$2.613"

68. Page 8, line 20.
Strike: "$7.302"
Insert: "$7.344"
Strike: "$7.538"
Insert: "$7.599"
Strike: "$7.786"
Insert: "$7.848"
Strike: "$8.034"
Insert: "$8.095"

69. Page 8, line 21.
Strike: "$20.200"
Insert: "$20.902"
Strike: "$20.902"
Insert: "$21.819"
Strike: "$22.022"
Insert: "$22.823"
Strike: "$23.572"
Insert: "$24.014"

70. Page 9, line 1.
Strike: "$2.108"
Insert: "$2.113"
Strike: "$2.179"

Insert: "$2.194"
Strike: "$2.262"
Insert: "$2.283"
Strike: "$2.349"
Insert: "$2.370"

71. Page 9, line 4.
Strike: "-$24.400"
Insert: "-$24.632"
Strike: "-$24.477"
Insert: "-$24.632"
Strike: "-$25.593"
Insert: "-$25.713"

72. Page 9, line 5.
Strike: "$22.100"
Insert: "$22.306"
Strike: "$22.425"
Insert: "$22.602"
Strike: "$22.496"
Insert: "$22.602"

73. Page 9, line 7.
Strike: "1.282"
Insert: "1.269"

74. Page 9, line 12.
Strike: "$72.944"
Insert: "$73.356"
Strike: "$75.359"
Insert: "$75.599"
Strike: "$78.336"
Insert: "$78.488"

75. Page 9, line 16.
Strike: "$384.696"
Insert: "$384.706"
Strike: "$399.548"
Insert: "$399.527"
Strike: "$414.220"
Insert: "$414.115"

76. Page 9, line 18.
Strike: "$10.319"

Insert: "$10.332"
Strike: "$10.390"
Insert: "$10.389"
Strike: "$10.461"
Insert: "$10.460"

77. Page 9, line 19.
Strike: "$0.563"
Insert: "$0.564"

78. Page 9, line 20.
Strike: "$2.405"
Insert: "$2.408"
Strike: "$2.422"
Insert: "$2.421"

79. Page 9, line 21.
Strike: "$1.255"
Insert: "$1.257"
Strike: "$1.273"
Insert: "$1.272"

80. Page 10, line 1.
Strike: "$0.558"
Insert: "$0.559"
Strike: "$0.566"
Insert: "$0.565"

81. Page 10, line 2.
Strike: "$0.907"
Insert: "$0.908"

82. Page 10, line 4.
Strike: "2.743"
Insert: "3.113 "
Strike: "2.529"
Insert: "2.740"
Strike: "2.315"
Insert: "2.566"
Strike: "2.100"
Insert: "2.391"

83. Page 10, line 5.
Strike: "22.020"

Insert: "26.756"

84. Page 10, line 6.
Strike: "17.052"
Insert: "16.604"
Strike: "14.663"
Insert: "14.364"
Strike: "12.274"
Insert: "11.911"
Strike: "9.885"
Insert: "9.458"

85. Page 10, line 7.
Strike: "89.338"
Insert: "85.652"
Strike: "82.692"
Insert: "80.027"
Strike: "82.629"
Insert: "78.296"
Strike: "76.944"
Insert: "73.507"

86. Page 10, line 8.
Strike: "16.374"
Insert: "16.412"
Strike: "16.019"
Insert: "16.072"
Strike: "16.334"
Insert: "16.385"
Strike: "16.780"
Insert: "16.815"

87. Page 10, line 9.
Strike: "2.034"
Insert: "2.410"
Strike: "2.647"
Insert: "3.267"
Strike: "3.597"
Insert: "4.182"
Strike: "3.837"
Insert: "4.443"

88. Page 10, line 10.
Strike: "10.76%"

Insert: "12.44%"
Strike: "10.76%"
Insert: "12.44%"
Strike: "10.76%"
Insert: "12.44%"
Strike: "10.76%"
Insert: "12.44%"

89. Page 10, line 11.
Strike: the first "11.61%"
Insert: "10.96%"
Strike: the second "11.61%"
Insert: "10.96%"
Strike: the third "11.61%"
Insert: "10.96%"
Strike: the fourth "11.61%"
Insert: "10.96%"

90. Page 10, line 12.
Strike: the first "11.11%"
Insert: "12.76%"
Strike: the second "11.11%"
Insert: "12.76%"
Strike: the third "11.11%"
Insert: "12.76%"
Strike: the fourth "11.11%"
Insert: "12.76%"

91. Page 10, line 13.
Strike: "$0.876"
Insert: "$0.236"
Strike: "$0.898"
Insert: "$0.236"
Strike: "$0.969"
Insert: "$0.236"
Strike: "$0.826"
Insert: "$0.236"

92. Page 10, line 14.
Strike: "$20.577"
Insert: "$21.264"
Strike: "$26.703"
Insert: "$26.984"
Strike: the first "$9.927"

Insert: "$10.208"
Strike: the second "$9.927"
Insert: "$10.208"

93. Page 10, line 16.
Strike: "$600.02"
Insert: "$600.14"
Strike: "$617.00"
Insert: "$616.94"
Strike: "$634.71"
Insert: "$632.58"

94. Page 11, line 4.
Strike: "$2.415"
Insert: "$2.433"
Strike: "$2.470"
Insert: "$2.487"
Strike: "$2.499"
Insert: "$2.517"

95. Page 11, line 5.
Strike: "$0.663"
Insert: "$0.668"
Strike: "$0.659"
Insert: "$0.664"
Strike: "$0.653"
Insert: "$0.660"

96. Page 11, line 6.
Strike: "$9.203"
Insert: "$9.296"
Strike: "$10.143"
Insert: "$10.151"
Strike: "$10.470"
Insert: "$10.361"

97. Page 11, line 7.
Strike: "$5.918"
Insert: "$5.904"
Strike: "$6.225"
Insert: "$6.219"
Strike: "$6.539"
Insert: "$6.527"

98. Page 11, line 10.
Strike: "$0.814"
Insert: "$0.812"
Strike: "$0.926"
Insert: "$0.922"
Strike: "$1.024"
Insert: "$1.018"

99. Page 11, line 14.
Strike: "25.013"
Insert: "25.014"
Strike: "25.651"
Insert: "25.652"
Strike: "26.342"
Insert: "26.344"
Strike: "26.804"
Insert: "26.806"

100. Page 11, line 15.
Strike: "$87.664"
Insert: "$87.931"
Strike: "$83.530"
Insert: "$83.707"
Strike: "$81.448"
Insert: "$80.546"
Strike: "$76.194"
Insert: "$76.194"

101. Page 11, line 16.
Strike: "9.27%"
Insert: "9.58%"
Strike: "9.25%"
Insert: "10.10%"
Strike: "9.35%"
Insert: "10.28%"
Strike: "9.38%"
Insert: "10.48%"

102. Page 11, line 19.
Strike: "$2.325"
Insert: "$2.390"
Strike: "$3.397"
Insert: "$3.492"
Strike: "$4.456"

Insert: "$4.252"
Strike: "$4.158"
Insert: "$4.121"

103. Page 11, line 20.
Strike: "9.86%"
Insert: "9.41%"
Strike: "10.16%"
Insert: "9.69%"
Strike: "10.02%"
Insert: "9.56%"
Strike: "9.95%"
Insert: "9.49%"

104. Page 12, line 1.
Strike: "$886.495"
Insert: "$886.847"
Strike: "$752.826"
Insert: "$753.354"
Strike: "$762.482"
Insert: "$762.300"

105. Page 12, line 2.
Strike: "0.33%"
Insert: "0.31%"
Strike: "0.34%"
Insert: "0.31%"
Strike: "0.67%"
Insert: "0.36%"

106. Page 12, line 5.
Strike: "$95.283"
Insert: "$95.334"
Strike: "$100.902"
Insert: "$100.981"

107. Page 12, line 6.
Strike: "$0.374"
Insert: "$0.375"

108. Page 12, line 9.
Strike: "$12.072"
Insert: "$12.074"
Strike: "$12.599"

Insert: "$12.618"
Strike: "$13.062"
Insert: "$13.072"
Strike: "$13.592"
Insert: "$13.588"

109. Page 12, line 11.
Strike: "45.450"
Insert: "44.895"
Strike: "44.090"
Insert: "44.517"
Strike: "42.872"
Insert: "43.699"
Strike: "41.433"
Insert: "42.367"

110. Page 12, line 13.
Strike: "$3.587"
Insert: "$3.590"
Strike: "$3.461"
Insert: "$3.498"
Strike: "$3.336"
Insert: "$3.406"

111. Page 12, line 15.
Strike: "$54.628"
Insert: "$54.417"
Strike: "$56.195"
Insert: "$55.763"
Strike: "$57.740"
Insert: "$57.308"

112. Page 12, line 16.
Strike: "$0.015"
Insert: "$0.013"
Strike: "$0.016"
Insert: "$0.014"
Strike: "$0.053"
Insert: "$0.020"

113. Page 12, line 17.
Strike: "$0.015"
Insert: "$0.007"
Strike: "$0.015"

Insert: "$0.007"
Strike: "$0.015"
Insert: "$0.007"
Strike: "$0.015"
Insert: "$0.007"

114. Page 12, line 19.
Strike: "$32.805"
Insert: "$32.678"
Strike: "$33.746"
Insert: "$33.487"
Strike: "$34.674"
Insert: "$34.415"

115. Page 13, line 3.
Strike: "$120.057"
Insert: "$120.121"
Strike: "$127.136"
Insert: "$127.236"
Strike: "$134.787"
Insert: "$134.787"

116. Page 13, line 4.
Strike: "$67.908"
Insert: "$67.954"
Strike: "$72.089"
Insert: "$72.160"
Strike: "$76.637"
Insert: "$76.637"

117. Page 13, line 5.
Strike: "$14.837"
Insert: "$14.845"
Strike: "$15.712"
Insert: "$15.725"
Strike: "$16.658"
Insert: "$16.658"

118. Page 13, line 9.
Strike: the first "0.00%"
Insert: "3.58%"
Strike: the second "0.00%"
Insert: "3.43%"
Strike: the third "0.00%"

Insert: "3.44%"

119. Page 13, line 10.
Strike: the first "0.00%"
Insert: "4.49%"
Strike: the second "0.00%"
Insert: "3.98%"
Strike: the third "0.00%"
Insert: "3.87%"

120. Page 13, line 15.
Strike: "0.806"
Insert: "0.804"
Strike: "0.813"
Insert: "0.811"
Strike: "0.820"
Insert: "0.818"
Strike: "0.827"
Insert: "0.826"

121. Page 13, line 16.
Strike: the first "$5.45"
Insert: "$5.46"
Strike: the second "$5.45"
Insert: "$5.46"
Strike: the third "$5.45"
Insert: "$5.46"

122. Page 15, line 9.
Strike: "0.978"
Insert: "0.977"
Strike: "0.984"
Insert: "0.983"
Strike: "0.989"
Insert: "0.988"

123. Page 15, line 13.
Strike: "$2.851"
Insert: "$2.846"
Strike: "$3.317"
Insert: "$3.313"
Strike: "$2.902"
Insert: "$2.896"

124. Page 15, line 14.
Strike: "$0.263"
Insert: "$0.262"

125. Page 15, line 19.
Strike: "10.829"
Insert: "10.806"
Strike: "11.280"
Insert: "11.258"
Strike: "11.725"
Insert: "11.736"

126. Page 16, line 1.
Strike: "$126.678"
Insert: "$126.558"
Strike: "$132.385"
Insert: "$131.583"

127. Page 16, line 5.
Strike: "11.805"
Insert: "11.735"
Strike: "12.195"
Insert: "12.130"
Strike: "12.576"
Insert: "12.531"

128. Page 16, line 21.
Strike: "2.538"
Insert: "2.541"
Strike: "2.618"
Insert: "2.620"

129. Page 17, line 2.
Strike: "0.609"
Insert: "0.608"

130. Page 17, line 4.
Strike: "0.265"
Insert: "0.264"

131. Page 17, line 5.
Strike: "1.122"
Insert: "1.119"

132. Page 17, line 7.
Strike: "4.664"
Insert: "4.662"

133. Page 17, line 9.
Strike: "9.881"
Insert: "9.873"
Strike: "10.403"
Insert: "10.383"
Strike: "11.155"
Insert: "10.998"

134. Page 17, line 10.
Strike: "2.862"
Insert: "2.858"
Strike: "3.123"
Insert: "3.113"
Strike: "3.491"
Insert: "3.419"

135. Page 17, line 11.
Strike: "6.826"
Insert: "6.825"
Strike: "7.305"
Insert: "7.298"
Strike: "7.858"
Insert: "7.821"

136. Page 17, line 12.
Strike: "3.035"
Insert: "3.032"
Strike: "3.295"
Insert: "3.287"
Strike: "3.654"
Insert: "3.591"

137. Page 17, line 14.
Strike: "67.668"
Insert: "68.129"
Strike: "65.272"
Insert: "65.698"
Strike: "61.693"
Insert: "61.956"

138. Page 17, line 15.
Strike: "380.954"
Insert: "381.399"
Strike: "369.110"
Insert: "369.494"
Strike: "371.801"
Insert: "371.730"

139. Page 18, line 16.
Strike: "$2,656.503"
Insert: "$2,656.509"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/18/2013

HB 20, introduced by Cook
HB 21, introduced by Cook
HB 23, introduced by B. Bennett
HB 25, introduced by Gibson
HB 34, introduced by Boland
HB 56, introduced by Noonan
HB 57, introduced by Noonan
HB 63, introduced by Pomnichowski

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 157, introduced by Dick Barrett, Coffin, Jacobson, Jergeson, Kaufmann, Lieser, Malek, McNally, Phillips, Pomnichowski, Williams, Wilson, referred to Taxation.
SB 158, introduced by Thomas, Berry, Van Dyk, referred to Business, Labor, and Economic Affairs.
SB 159, introduced by Hamlett, Caferro, referred to Public Health, Welfare and Safety.
SB 160, introduced by Tropila, Arntzen, T. Brown, Hollenbaugh, MacDonald, Noonan, O'Hara, Thomas, Van Dyk, Wanzenried, referred to Judiciary.
SB 161, introduced by Tropila, referred to Highways and Transportation.
SB 162, introduced by Keane, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 20, introduced by Cook (by request of the Legislative Finance Committee), referred to Finance and Claims.
HB 21, introduced by Cook (by request of the Legislative Finance Committee), referred to Finance

and Claims.
HB 23, introduced by B. Bennett (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HB 25, introduced by Gibson (by request of the Legislative Finance Committee), referred to Education and Cultural Resources.
HB 34, introduced by Boland (by request of the Department of Administration), referred to State Administration.
HB 35, introduced by Miller (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 42, introduced by Regier, referred to Judiciary.
HB 53, introduced by Ingraham (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HB 56, introduced by Noonan (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 57, introduced by Noonan (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 63, introduced by Pomnichowski (by request of the Department of Administration), referred to Taxation.
HB 92, introduced by Curtis (by request of the Public Defender Commission), referred to Judiciary.
HB 93, introduced by McClafferty (by request of the Public Defender Commission), referred to Business, Labor, and Economic Affairs.
HB 132, introduced by Lavin, referred to Judiciary.
HB 139, introduced by Lavin (by request of the Department of Justice), referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 1, introduced by Blyton (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

Senators Buttrey and Olson joined the session.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Caferro in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 52 - Senator Keane moved **SB 52** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley,

Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest, Thomas.
Total 3

SB 65 - Senator Wittich moved **SB 65** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Augare, Murphy.
Total 2

Paired: Moore, Thomas, Aye; Augare, Murphy, No.

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann in the chair. Chair Caferro moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest, Thomas.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 8 passed as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest, Thomas.
Total 3

SB 53 passed as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest, Thomas.

Total 3

SB 64 passed as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest, Thomas.
Total 3

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 54**
Motion carried.

SB 54 (Facey, Chief Sponsor)
Senator Lewis.

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SR 2**
Motion carried.

SR 2 (Olson, Chief Sponsor)
Senators Debby Barrett, Jackson, Jergeson, and Vincent.

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked this week's Pages for their service.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, January 19, 2013. Motion carried.

Senate adjourned at 1:34 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
ELEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 19, 2013 — State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Priest, Ripley, Thomas, and Wanzenried, excused. Quorum present.

Correctly printed: **SB 39**, **SB 51**, **SB 52**, **SB 60**, **SB 65**, **SB 72**, **SB 157**, **SB 158**, **SB 159**, **SB 160**, **SB 161**, **SB 162**, **HB 1**.
Correctly engrossed: **SB 43**, **SB 111**, **SJR 2**, **SR 2**.
Transmitted to the House: **SB 8**, **SB 53**, **SB 64**, **HB 1**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 1/19/2013
SB 32, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 1/19/2013
SB 121, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 1/19/2013
SB 24, introduced bill, be amended as follows:

1. Page 1, line 21.
Strike: "filed"
Insert: "submitted"

And, as amended, do pass. Report adopted.

SB 41, introduced bill, be amended as follows:

1. Page 2, line 22.
Strike: "filed"
Insert: "submitted, except when the subdivisions are part of the same phased development"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 1/19/2013
SB 5, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "SECTION"
Insert: "SECTIONS"

2. Title, page 1, line 7.
Following: "7-5-2131"
Insert: "AND 7-5-2133"

3. Page 1, line 15.
Following: "location"
Insert: "as long as those records are available for public inspection free of charge"

4. Page 1, line 16.
Following: line 15
Insert: "Section 2. Section 7-5-2133, MCA, is amended to read:

"7-5-2133. Convenience fee for electronic county government services. (1) ~~The~~ Except as provided in 7-5-2131(2), the county may charge a convenience fee and may allow county departments to collect the convenience fee on selected electronic government services in order to provide funding for the support and furtherance of electronic government services.

(2) As used in this section, "convenience fee" means a fee charged to recover the costs of providing electronic government services.""

And, as amended, do pass. Report adopted.

SB 35, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "31-1-306,"

2. Page 2, line 10 through line 16.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 36, do pass. Report adopted.
SB 66, do pass. Report adopted.
SB 87, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/19/2013

HB 41, introduced by Squires
HB 51, introduced by Edmunds

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 163, introduced by Facey, referred to State Administration.
SB 164, introduced by Keane, referred to Energy and Telecommunications.
SB 165, introduced by Caferro, Arntzen, referred to Education and Cultural Resources.
SB 166, introduced by Dick Barrett, Lavin, Steenberg, referred to Highways and Transportation.
SB 167, introduced by Webb, D. Brown, Caferro, Jackson, Lenz, Murphy, C. Smith, Walker, Zolnikov, referred to Fish and Game.
SB 168, introduced by Webb, Boulanger, Caferro, Fielder, Jackson, Lenz, Murphy, C. Smith, Taylor, Walker, Zolnikov, referred to Business, Labor, and Economic Affairs.
SB 169, introduced by Brenden, Arthun, Boulanger, T. Brown, Lewis, F. Moore, Olson, Ripley, Rosendale, Sales, Thomas, Tutvedt, referred to Taxation.

The following Senate bill was referred to committee:

SB 82, introduced by Lewis, referred to Joint Select Committee on Pensions.

The following House bills were introduced, read first time, and referred to committees:

HB 41, introduced by Squires (by request of the Economic Affairs Interim Committee), referred to State Administration.
HB 51, introduced by Edmunds (by request of the Department of Military Affairs), referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Arthun in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Driscoll requested that **SB 15**, Wanzenried sponsor, be passed for the day. Without objection, so ordered.

SB 30 - Senator Buttrey moved **SB 30** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.
Total 4

SB 73 - Senator Kaufmann moved **SB 73** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Mr. President.
Total 44

Nays: Windy Boy, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.
Total 4

HB 1 - Senator Lewis moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Mr. President.
Total 42

Nays: Arntzen, Fielder, Taylor, Windy Boy, Wittich.
Total 5

Paired: Wanzenried, Aye; Wittich, No.

Absent or not voting: None.
Total 0

Excused: Priest, Ripley, Thomas.
Total 3

SR 2 - Senator Olson moved **SR 2** be adopted. Motion carried as follows:

Senator Jergeson rose on a point of order and pointed out that according to Senate rules, the resolution should have been established as a joint resolution.

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.
Total 4

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann in the chair. Chair Arthun moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.
Total 4

MOTIONS

Senator Wittich moved the Senate suspend the rules to allow **HB 1** to be moved directly to third reading today. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 52 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.
Total 4

SB 65 passed as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Augare, Murphy.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest, Ripley, Thomas, Wanzenried.
Total 4

HB 1 concurred in as follows:

Yeas: Arthun, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Arntzen, Augare, Fielder, Priest, Taylor, Vincent, Wittich.
Total 7

Paired: Rosendale, Wanzenried, Aye; Priest, Wittich, No.

Absent or not voting: None.
Total 0

Excused: Ripley, Thomas.
Total 2

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 84**
Motion carried.

SB 84 (Kaufmann, Chief Sponsor)
Senator Thomas.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, January 21, 2013. Motion carried.

Senate adjourned at 8:45 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWELFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 21, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SB 30**, **SB 32**, **SB 36**, **SB 66**, **SB 73**, **SB 87**, **SB 121**, **SB 163**, **SB 164**, **SB 165**, **SB 166**, **SB 167**, **SB 168**, **SB 169**.
Correctly engrossed: **SB 5**, **SB 24**, **SB 35**, **SB 41**.
Correctly enrolled: **SJR 1**, **SR 2**.
Transmitted to the House: **SB 52**, **SB 65**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/18/2013
SB 93, introduced bill, be amended as follows:

1. Title, page 1, line 13.
Strike: "UNDISCLOSED"
Following: "FEES"
Insert: "THAT ARE UNKNOWN"

2. Title, page 1, line 19.
Following: "MCA;"
Insert: "AMENDING SECTION 37, CHAPTER 321, LAWS OF 2009;"

3. Page 2, line 29.
Strike: "may include"
Insert: "includes"

4. Page 5, line 3.
Strike: "sealing or"

5. Page 6, line 23.
Following: "~~registry~~"
Insert: "and registry"

6. Page 7, line 24.
Strike: "five"
Insert: "12"

7. Page 7, line 26.
Strike: "five"
Insert: "12"

8. Page 7, line 28.
Strike: "five"
Insert: "12"

9. Page 7, line 29.
Strike: "five"
Insert: "12"

10. Page 9, line 29.
Strike: "or"

11. Page 9.
Following: line 29
Insert: "(i) a person regulated by the commissioner of insurance if that person's principal business is that of preparing abstracts or making searches of titles that are used as a basis for the issuance of any title insurance policy by a company doing business under the laws of this state relating to insurance companies;"
Renumber: subsequent subsections

12. Page 10, line 7.
Following: "standards"
Strike: "."
Insert: "; or
(k) an individual who is an employee of a retailer of manufactured or modular homes if the employee is performing only administrative or clerical tasks in connection with the sale or lease of a manufactured or modular home and if the individual receives no compensation or other gain from a mortgage lender or a mortgage broker for the performance of the administrative or clerical tasks."

13. Page 24, line 12.
Strike: "mortgage servicer,"

14. Page 29, line 25.
Strike: "mortgage servicer,"

15. Page 35, line 24.
Following: "regulation;"
Insert: "and"

16. Page 35, line 27 through line 28.
Strike: subsection (c) in its entirety

17. Page 36.
Following: line 3
Insert: **"Section 32.** Section 37, Chapter 321, Laws of 2009, is amended to read:
"**Section 37. Contingent suspension.** If the ~~secretary of housing and urban development~~ director of the consumer financial protection bureau determines by guidelines, interpretation, or rule that any part of [this act] is out of compliance with the Secure and Fair Enforcement for Mortgage Licensing Act, Public Law 110-289, the operation and effect of that part is suspended.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 109, do pass. Report adopted.
SB 136, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 1/18/2013
SB 44, do pass. Report adopted.
SB 76, introduced bill, be amended as follows:

1. Page 1, line 17 through line 19.
Strike: line 17 through line 19
Insert: "(e) adopt rules necessary to ensure the primacy of the department to regulate cooling water intake structures under 33 U.S.C. 1326(b)."

And, as amended, do pass. Report adopted.

SB 92, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "SOURCES;"
Insert: "STREAMLINING ANNUAL REPORT REQUIREMENTS;"

2. Title, page 1, line 9.
Following: "82-4-227,"
Insert: "82-4-237,"

3. Page 2, line 27.
Strike: "and date"
Strike: "within the county"
Insert: "in the locality of the proposed activity"

4. Page 2, line 30.
Following: "granted"
Strike: ";"
Insert: ". If that newspaper is not published in Montana, the applicant shall also provide the name of a newspaper of general circulation in the county in which the proposed operation is

located that is published in Montana in which the applicant will publish an announcement and description in accordance with this subsection."

5. Page 4, line 16.
Strike: "(2)(m)"
Insert: "(2)(n)"

6. Page 5, line 3.
Strike: "varieties"
Insert: "species"

7. Page 5, line 4.
Strike: "varieties"
Insert: "species"
Strike: "variety"
Insert: "species"

8. Page 5, line 5.
Strike: "kinds and varieties"
Insert: "species"
Following: "plants"
Strike: ","
Insert: ";"

9. Page 5, line 6.
Strike: line 6

10. Page 5, following line 9.
Insert: "(m) be certified by a professional engineer or professional land surveyor licensed as provided by Title 37, chapter 67; and"

11. Page 5, line 10.
Strike: "(m)"
Insert: "(n)"

12. Page 13.
Following: line 19
Insert: "Section 4. Section 82-4-237, MCA, is amended to read:

"82-4-237. Operator to file annual reports. (1) An operator shall file an annual report with the department ~~within 30 days of the anniversary date of each permit. In lieu of an annual report for each permit, the department may allow the operator to file an annual report for each operation~~ on a date determined by the department. ~~Included within an~~ An annual report ~~shall be~~ must include:

(a) the name and address of the operator and permit number or numbers; and

(b) a report ~~in such~~ with detail ~~as the~~ required by the department ~~shall require~~, supplemented with maps, cross sections, or other material indicating the extent to which mining

operations have been carried out, the progress of all reclamation work, including the type of planting or seeding, mixture and amount of seed, date of planting or seeding, and area of land planted, ~~the extent to which expectations and predictions made in the original application have been fulfilled and any deviation therefrom,~~ and the number of acres affected~~; and~~

~~(c) a revised schedule or timetable of operations and reclamation and an estimate of the number of acres to be affected during the next 1-year period~~.

(2) Upon receipt of the annual report, the department may ~~make further inquiry and~~ request ~~further~~ additional information and~~, if it does so,~~ shall allow a reasonable opportunity for the operator to respond to the request.

(3) When ~~problem situations~~ problems are revealed by review of new information or as a result of field inspections, the department may order ~~such~~ necessary changes in the mining and reclamation plans ~~as are necessary~~ to ~~insure~~ ensure compliance with this part.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 1/18/2013

SB 3, do pass. Report adopted.

SB 33, do pass. Report adopted.

SB 57, introduced bill, be amended as follows:

1. Page 2, line 17.
Following: "~~13-21-203,~~"
Insert: ", [section 15],"

2. Page 3, line 5.
Following: "~~13-21-207~~"
Insert: "and [section 20]"

3. Page 3, line 15.
Following: "~~13-21-210,~~"
Insert: ", [section 17],"

4. Page 3, line 29.
Following: "~~or 13-21-207~~,"
Insert: "[section 13(3)(a)], and [section 18],"

5. Page 4, line 26.
Following: "~~13-21-207~~"
Insert: "and [section 20]"

6. Page 5, line 22.
Following: "~~13-21-207~~"
Insert: "and [section 20]"

7. Page 6, line 6.
Following: "~~13-21-207~~"
Insert: "and [section 20]"

And, as amended, do pass. Report adopted.

SB 67, do pass. Report adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 15 - Senator Wanzenried moved **SB 15** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 39 - Senator Vincent moved **SB 39** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 43 - Senator Wittich moved **SB 43** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 60 - Senator Vuckovich moved **SB 60** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Hamlett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 72 - Senator Debby Barrett moved **SB 72** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 75 - Senator Priest moved **SB 75** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 - Senator Rosendale moved **SB 111** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Dick Barrett, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 51 - Senator Augare moved **SB 51** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 16 - Senator Dick Barrett moved **SB 16** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 2 - Senator Tutvedt moved **SJR 2** do pass.

Senator Sonju assumed the chair.

SJR 2 - Senator Kaufmann moved **SJR 2**, second reading copy, be amended as follows:

1. Page 2, line 10.
Strike: "$1,994,950,000"
Insert: "$2,007,250,000"

2. Page 2, line 11.
Strike: the first "$2,137,410,000"
Insert: "$2,068,552,000"

3. Page 2, line 11.
Strike: the second "$2,137,410,000"
Insert: "$2,149,710,000"

4. Page 3, line 11.
Strike: "150.658"
Insert: "162.958"
Strike: "154.096"
Insert: "166.396"
Strike: "155.022"
Insert: "167.322"

5. Page 6, line 7.
Strike: "1,994.950"
Insert: "2,007.250"
Strike: "2,056.252"
Insert: "2,068.552"
Strike: "2,137.410"
Insert: "2,149.710"

6. Page 12.
Following: line 15
Insert: "FY Income Adjustment (Millions) $0.000 $12.300 $12.300 $12.300"

Amendment **not** adopted as follows:

Yeas: Augare, Dick Barrett, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk,

Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Debby Barrett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 2 - Senator Tutvedt moved **SJR 2**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Strike: "A PRELIMINARY JUNE 30, 2012,"
Insert: "AN"

2. Page 2, line 11.
Strike: the first "$2,137,410,000"
Insert: "$2,056,252,000"

3. Page 6, line 12.
Strike: "$38.0459"
Insert: "$38.046"

4. Page 15, line 1.
Strike: "$600.14"
Insert: "$600.15"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.

Total 0

Excused: None.
Total 0

Senator Kaufmann returned to the chair.

SJR 2 - Senator Tutvedt moved **SJR 2**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 30 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 73 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Moore introduced this week's pages:

Derek Lund, Helena
Charli White, Selisia
Taylor Staudenmeyer, Dillon
Georgia Shultz, Raynesford
Colton Tash, Sheridan

Senator Augare rose to acknowledge the memory of Martin Luther King and ask the Senate to continue to honor his memory this day and forward.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, January 22, 2013. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 22, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SB 3**, **SB 15**, **SB 16**, **SB 33**, **SB 39**, **SB 43**, **SB 44**, **SB 51**, **SB 60**, **SB 67**, **SB 72**, **SB 75**, **SB 109**, **SB 111**, **SB 136**.
Correctly engrossed: **SB 57**, **SB 76**, **SB 92**, **SB 93**, **SJR 2**.
Examined by the sponsor and found to be correct: **SJR 1**, **SR 2**.
Transmitted to the House: **SB 30**, **SB 73**.
Signed by the Secretary of the Senate at 10:00 a.m., January 22, 2013: **SR 2**.
Signed by the Secretary of the Senate at 10:40 a.m., January 22, 2013: **SJR 1**.
Signed by the President at 10:10 a.m., January 22, 2013: **SR 2**.
Signed by the President at 12:10 p.m., January 22, 2013: **SJR 1**.
Signed by the Speaker at 4:15 p.m., January 22, 2013: **SJR 1**.
Delivered to the Secretary of State at 10:48 a.m., January 22, 2013: **SR 2**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/22/2013

SB 61, do pass. Report adopted.
SB 62, do pass. Report adopted.
SB 99, introduced bill, be amended as follows:

1. Page 3, line 22.
Strike: "<u>may</u>"
Insert: "shall"

2. Page 4, line 2.
Strike: "may"
Insert: "shall"

3. Page 5, line 21.
Strike: "<u>system</u>"
Insert: "random"
Following: "policy"
Insert: "or specific checks to determine whether a vehicle that has previously been shown as uninsured is now insured"

And, as amended, do pass. Report adopted.

SB 114, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 1/21/2013
SB 12, do pass. Report adopted.
SB 55, do pass. Report adopted.
SB 69, introduced bill, be amended as follows:

1. Page 1, line 25.
Strike: "deposited in"
Insert: "distributed to"
Following: "fund"
Insert: "and to the United States as required by applicable state and federal laws and regulations"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 1/18/2013
SJR 4, do pass. Report adopted.

MOTIONS

Senator Sonju moved **SB 136** be returned to the Business, Labor, and Economic Affairs committee. The motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 170, introduced by Wittich, referred to Taxation.
SB 171, introduced by Vuckovich, referred to Business, Labor, and Economic Affairs.
SB 172, introduced by Walker, Lewis, Sonju, referred to Business, Labor, and Economic Affairs.
SB 175, introduced by L. Jones, Arthun, Augare, T. Brown, Buttrey, Clark, Driscoll, Facey, Hamlett, Keane, Malek, McChesney, Mehlhoff, O'Hara, Olson, Peterson, Pomnichowski, Ripley, Tutvedt, Vuckovich, Welborn, referred to Education and Cultural Resources.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 3, introduced by Essmann, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator Debby Barrett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 32 - Senator Facey moved **SB 32** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 121 - Senator Fielder moved **SB 121** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Malek, Tutvedt.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 5 - Senator Buttrey moved **SB 5** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 35 - Senator Keane moved **SB 35** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 36 - Senator Murphy moved **SB 36** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 66 - Senator Arthun moved **SB 66** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 87 - Senator F. Moore moved **SB 87** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 24 - Senator Rosendale moved **SB 24** do pass.
Senator Essmann moved a substitute motion to pass **SB 24** for the day. Without objection, so ordered.

SB 41 - Senator Buttrey moved **SB 41** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Dick Barrett, Blewett, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Debby Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Wanzenried.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 15 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 16 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 39 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 43 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 51 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 60 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Hamlett, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 72 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 75 passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 111 passed as follows:

Yeas: Arntzen, Arthun, Debby Barrett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Dick Barrett, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Wanzenried inquired about the status of SB 24. President Essmann explained that SB 24 will be on Second Reading tomorrow for the purpose of hearing the bill, bringing forth a motion to amend, or re-referring to committee.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, January 23, 2013. Motion carried.

Senate adjourned at 2:06 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FOURTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 23, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Priest, excused. Quorum present.

Correctly printed: **SB 5**, **SB 12**, **SB 32**, **SB 35**, **SB 36**, **SB 41**, **SB 55**, **SB 61**, **SB 62**, **SB 66**, **SB 87**, **SB 114**, **SB 121**, **SB 170**, **SB 171**, **SB 172**, **SB 175**, **SJR 4**, **SR 3**.
Correctly engrossed: **SB 26**, **SB 69**, **SB 90**, **SB 99**, **SB 116**, **SB 123**.
Transmitted to the House: **SB 15**, **SB 16**, **SB 39**, **SB 43**, **SB 51**, **SB 60**, **SB 72**, **SB 75**, **SB 111**.
Delivered to the Secretary of State at 10:20 a.m., January 23, 2013: **SJR 1**.

MOTIONS

Majority Leader Wittich moved the Senate recess and proceed to the House of Representatives for the purpose of hearing the State of the Judiciary address from Chief Justice Mike McGrath and that, upon adjournment of the joint session, the Senate reconvene. The motion passed.

The Senate recessed at 1:05 p.m.

After the Senate was announced in the House Chambers, President Essmann assumed the chair.

Majority Leader Wittich moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving the State of the Judiciary address. Motion passed.

President Essmann appointed a committee comprised of Senators Buttrey and Jent, and Representatives Blyton and Brockie and requested the committee accompany Chief Justice McGrath into the chambers.

President Essmann introduced the Honorable Mike McGrath, Chief Justice of the Montana Supreme Court, who gave the following address:

*****

Mr. Speaker, Mr. President, Members of the Court, Honored Guests, Members of this Joint Assembly.

Thank you for giving me this opportunity. It is indeed an honor to be here speaking on behalf of Montana's Judiciary. It is very gracious of you, and appropriate I might add, to provide this opportunity to both the Executive and Judicial Branches of Montana's government.

I also want to acknowledge the work of the Legislative Auditor's office. In the past few years we have had audit reviews of the Water Court, Drug Courts, and Court Help Programs. These reviews are very helpful to us as managers and allow us the opportunity to look at issues that need addressing. So, thank you for providing that service.

This session, the State of the Judiciary is a mixed bag. In Montana, our courts process about 1,000 cases each day, 350,000 per year. It adds up to one case for every three Montana residents. At 1,000 cases per day, our courts are busy and the workload for court employees is very heavy. The District Courts, those are the courts of general jurisdiction that handle the most serious cases, exceeded 50,000 cases last year--a new record.

Many people come to court because their lives are in crisis. They include victims of crime, and people charged with crimes, children suffering from child abuse, ranchers who can't irrigate because of a water dispute, businesses being wrongfully sued by disgruntled employees, workers injured on the job, neighbors fighting over disputed property boundaries, entrepreneurs challenging the government's interpretation of legislation and mothers seeking child support to buy diapers. They come because they know they have rights. They know that there are laws that will protect them. They know they will get an answer to their problem.

And they know they will be treated fairly, by an independent judge--not a person beholden to money interests or partisanship or social status. Rather a judge who will listen to their grievance and make a decision based on the merits of each individual case.

Today in many places throughout the world, governments are in major transition. Citizens have risen up, not only in protest, but in insurrection and civil war. Why? . . . They want what we have. They want a right to be heard by their government. They want a place at the table when major decisions affecting their lives are being made by the government. And they want to be governed by the rule of law.

Our founders developed a system that has become the blueprint for political and economic success for the modern world. In the words of historian Joseph Ellis, American success is: "about the triumph of representative government bottomed on the principle of popular sovereignty, a market economy fueled by the energies of our citizens, a secular state unaffiliated with any official religion, and the rule of law that presumes the equality of all."

What our founders knew was that if this republic they had created was going to succeed, it had to be based upon the rule of law. That rule of law requires an independent and impartial manner of resolving disputes be they commercial matters, family crises, criminal charges or removal of public officers.

Ted Olson served as the U.S. Solicitor General in a Republican Administration. His wife was killed on 9/11. Some of you have heard me quote his remarks, written in the Wall Street Journal, but I think it is worth repetition:

> "Every day, thousands and thousands of judges-jurists whose names we never hear, from our highest court to our most local tribunal-resolve controversies, render justice, and help

> keep the peace by providing a safe, reliable, efficient, and honest dispute resolution process. The pay is modest, the work is frequently quite challenging, and the outcome often controversial. For every winner in these cases, there is a loser. Many disputes are close calls, and the judge's decision is bound to be unpopular with someone.
>
> But in this country we accept the decisions of judges, even when we disagree on the merits, because the process itself is vastly more important than any individual decision. Our courts are essential to an orderly, lawful society. And a robust and productive economy depends upon a consistent, predictable, evenhanded, and respected rule of law. Americans understand that no system is perfect and no judge immune from error, but also that our society would crumble if we did not respect the judicial process."

The Judiciary in Montana understands that we have a tremendous responsibility and strive daily to ensure that we uphold these traditions.

Those 1,000 people per day that end up in our courts know that our justice system is based on the rule of law and not individual whim. Our disputes are resolved within an orderly system that provides all parties the opportunity to be heard, and is based upon law.

In fact, our economy depends on this independent system. Investors and other businesses have the right to rely on an orderly and prompt dispute resolution process. They have the freedom to enter contracts and the ability to have those contracts enforced. They know that even in the most remote courthouse in Montana, they will get a fair hearing and hopefully a timely decision. Individual citizens have the rights enunciated in our Constitution and the ability to enforce those rights whether they are in Libby or Terry, Billings or Butte.

And all of us have the right to expect the courts to make those decisions based on the merits of each individual case-by judges independent of bias, prejudice or political influence.

As an independent third branch of government, our responsibilities are great but our needs are small. Our budget is less than 1 percent of the total state budget. Yet we recognize that with judicial independence comes the corresponding responsibility, to be accountable:

accountable to the people who elect us, and
accountable to the Legislature, especially as to how we spend public funds.

In an effort to be more accountable, the Judicial Branch has undertaken a series of performance measures. Specifically, at the Supreme Court, new procedures have been implemented.

Last session, I told you that the Court is very much aware of the concerns about backlogged cases. Significant improvements have been made. Four years ago there were 71 cases that were more than 1 year old. Our case load is now current. We have no cases over 6 months old and our average time to resolve a case is less than 100 days.

Of course, the Supreme Court takes every case that is appealed. We don't go out and find disputes to resolve. We have the responsibility to determine if laws pass constitutional muster. And, contrary to what some have said, we give great deference to legislative enactments. In the

past four years, 44 cases have come to us seeking to overthrow measures passed by this body. We have upheld your actions in 40 of the 44 cases.

We have taken steps to make our decisions more available to the public and the process more transparent.

We conduct more oral arguments in court rooms and other locations that are available for public viewing. We prepare summaries of those cases and stream the arguments on-line. And we issue a synopsis of complicated cases to make it easier for the media and the public to understand the questions decided.

In the District Courts, even with caseloads dramatically increasing, performance standards are now being implemented. The procedures have been adapted to accurately measure case loads and case timeliness.

But as I mentioned, the State of the Judiciary is good and bad.

In the last two sessions we have experienced significant budget reductions including vacancy savings and across the board cuts. Our branch consists of 54 independently elected officials, 46 of whom are elected from their local community. As the vast majority of our budget consists of personnel costs, it has been hard to find areas to cut. Now, our budget is approaching a crisis level.

We have done a good job of managing our resources; we have found the waste. We cut $100,000 each year for library and computer research; $90,000 each year for dues to national organizations, (I might add, the only branch that has done that); $400,000 for attorneys and guardian ad litems in child custody cases. We have decimated our training program and eliminated out-of-state travel. (I worry that our inability to properly train our personnel will come back to haunt us in the near future.)

We do not have sufficient personnel in our technology department to support the computer and video conferencing equipment that now exists in the 200-plus courts we support throughout Montana.

Additional budget reductions will fall on the backs of an overworked local judiciary and inevitably result in delay and court backlogs. Of course the losers under that scenario are your constituents, especially small business and working people.

We know that backlogged courts are bad for business. It is the commercial litigation that suffers most from court delay. Criminal cases, child abuse or custody cases, mental commitments and youth court cases by law must be given priority. As a result, the building contractor trying to resolve a contract dispute or the small business trying to collect a bad debt gets pushed back.

We do, however, offer some solutions that will help with these backlogs.

We must continue our Court Help Program statewide. Almost 2/3 of the domestic relations cases,

mostly divorces and parenting plans, came to court with at least one party not represented by a lawyer. Well, what's wrong with that you might ask? Delay and insufficiency is the end result here. Family cases are 25% of the case load in District Court.

To put this into real numbers, about 6,500 family law cases each year come to court with pro se litigants (no attorney). So other cases must wait while the judge and court staff work with a party that generally does not understand court procedure, does not know the correct forms or papers that must be filed, does not know the appropriate questions to ask a witness or what information the judge needs to decide that case.

The number of these cases is dramatically increasing. With a staggering number of cases each year, we must recognize this situation as one reason, if not the biggest cause for delay in our system.

And speaking of family law, last year Montana had a 25% increase in child abuse and negligent cases--cases that are difficult, often time consuming, and by law must be given court priority. Most people either cannot afford an attorney, or can't find an attorney to take their case so they come to court without. Fully 30% of our Court's cases at the Supreme Court are presented with at least one party not represented by an attorney. At the trial court level, the domestic relations matters that are pro se tend to be very messy, are time consuming, and are very frustrating not only for the Judge but the parties themselves.

Court help is designed to assist individual Montana citizens with court service areas, places where you can get proper forms and assistance with the court process without unnecessary expense. Not all legal matters need attorneys. There are many ways we simplify the process and provide people with helpful solutions. This program provides some direction, some explanation of how to navigate through the process. It does not offer legal advice.

Since the Legislature created and funded the program in 2007, the Self Help centers have assisted 30,000 individuals and small businesses navigate through the complexity of our court system. Statewide, we do this primarily with volunteers who are recruited and trained by the limited staff that we have. Because of our tiny budget, we leverage staff with volunteer labor, often AmeriCorps volunteers. This program operates in urban and rural counties all across our state. The way our citizens approach the court system is changing dramatically; clearly our courts must adapt to these changing times.

This program does significantly increase judicial efficiency and it does reduce court backlog.

One other point in the area of family law. Some legislators and practitioners have had discussions about whether it is time to review Montana's system in this area of the law. Our adversarial system may not be the best approach especially considering the 6500 pro se cases in this area alone. I understand you may be asked to support a resolution requiring an interim study in the family law area. From my perspective, this may be the time to undertake such a study.

Drug courts and Treatment courts in general can and do save taxpayer dollars. And the last two sessions, Legislators had the foresight to fund a small portion of these programs. Not long ago

50% of the children in foster care were there because of their parents' use of drugs, methamphetamine in particular.

An incredibly high percentage, up to 90%, of prison inmates (both male and female) are incarcerated with chemical dependency problems, as many as half for meth. And, of course, many of our prisoners have severe mental illness issues.

All of these social problems cause a tremendous drain on state and local government budgets. This is why governors across the country are proposing increased funding for drug courts as a cost-saving measure.

Treatment courts divert some of these people to less expensive and more effective alternatives. They can keep kids out of Pine Hills or even more expensive out-of-state placements. They divert new commitments from our prisons to less expensive alternatives in the community. Drug courts reunite shattered families and turn participants into productive members of society.

We have studies that demonstrate the success of Montana's drug courts. Some of the highlights include: 82% of drug court graduates that do not commit new offenses, a remarkable statistic, and a significant drop in recidivism.

Here is a good one: In the 53 months that the Branch has been collecting data about drug court, 46 babies were born drug free--an immense saving of taxpayer dollars. Only one was born drug affected.

We have 29 active drug court dockets in Montana. Two of those are dedicated to our returning veterans that are having problems with readjustment to civilian life. We have 1,300 citizens who have participated in these courts.

These programs are very difficult to complete. Drug courts don't take easy clients. Treatment courts are a strain on judges' time and energy. However, they are very rewarding as well. They do see good things happen in a courtroom, not a common occurrence in our courts.

Judges in Montana are committed to addressing the problems in their communities, problems they see every day.

Nationally, it has been proven that Treatment courts are by far the most effective thing we can do to address drug abuse and the social and crime related problems that go with it.

Over 400 of our employees have not had a pay raise since October 2008. That is approaching 5 years if you provide a raise this session. Of course, it is very difficult to retain good employees under those circumstances. The Montana Judges Association voted to support salary increases for our staff as its first legislative priority.

Even so, we are a group that is dedicated and committed to our mission--most are even passionate about the purposes and role of the rule law in our society. They understand that the hallmark of a flourishing democracy is an adequately funded judiciary that can settle people's disputes in an

orderly fashion. Only in that way can the economy move forward and our citizens prosper.

We are optimistic that better days are coming and that you will see fit to provide the Judicial Branch an appropriate level of support.

Our modest proposals will help to ensure that the small business owner, the woman injured through no fault of her own, the defendant wrongly accused, and the child crying in the crib get their opportunity to resolve their crises. We also hope that by making the court system more efficient and responsive to the public's needs, we can avoid coming to you in a future session asking for more judges, something I do not want to do.

An independent, adequately funded judiciary is the key to constitutional democracy. Without courts, there is no justice. Without justice, there is no freedom.

Thank you again for inviting me to speak with you today. I know all of you have a lot to do in the next 76 days! Good luck this Session!

*****

The committee escorted Chief Justice McGrath from the chamber.

Majority Leader Wittich moved that the joint session be adjourned. The joint session adjourned at 1:38 p.m.

The Senate reconvened at 1:45 p.m., President Essmann in the chair.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 1/22/2013
SJ 6, do pass. Report adopted.
SB 26, introduced bill, be amended as follows:

1. Page 5, line 26.
Strike: "3"
Insert: "4"

And, as amended, do pass. Report adopted.

SB 31, do pass. Report adopted.
SB 45, do pass. Report adopted.
SB 70, do pass. Report adopted.
SB 90, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "TWO-THIRDS"
Insert: "THREE-FIFTHS"

2. Title, page 1, line 7.
Following: the first "AND"
Insert: "A TWO-THIRDS VOTE OF"

3. Page 3, line 13.
Strike: "two-thirds"
Insert: "three-fifths"

And, as amended, do pass. Report adopted.

SB 141, do pass. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 1/22/2013
SB 49, do pass. Report adopted.
SB 63, do pass. Report adopted.
SB 117, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 1/22/2013
SB 123, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "DATE"
Insert: " AND A TERMINATION DATE"

2. Page 1, line 25.
Strike: "meat processors"
Insert: "a nonprofit organization exempt from taxation under 26 U.S.C. 501(c)(3)"

3. Page 1, line 26.
Following: "donated"
Insert: "or seized"

4. Page 1, line 26 through line 27.
Strike: ", including" on line 26 through "exists" on line 27

5. Page 1, line 28.
Strike: "meat processors"
Insert: "a nonprofit organization exempt from taxation under 26 U.S.C. 501(c)(3)"

6. Page 5, line 22.
Following: Line 21
Insert: "NEW SECTION: **Section 7. Termination.** [This act] terminates June 30, 2019."

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 1/22/2013
SB 116, introduced bill, be amended as follows:

1. Page 1, lines 5 through 7.
Following: "PERMIT;" on line 5
Strike: remainder of line 5 through "PAID;" on line 7
Insert: "PROVIDING THAT CERTAIN NONRESIDENTS OBTAIN CERTAIN SPECIAL FUEL USER'S TEMPORARY PERMITS; CLARIFYING THE APPLICABILITY OF THE TAX ON SPECIAL FUEL AND VOLATILE LIQUIDS;"

2. Page 4, line 29.
Strike: "Special"
Insert: "Nonresident special"

3. Page 4, line 30.
Following: "permit --"
Insert: "nonresident"
Following: "Any"
Insert: "nonresident"

4. Page 5, line 3.
Following: "~~15-70-302,~~"
Insert: "who is"

5. Page 5, line 7.
Following: "nonresident"
Insert: "person"

6. Page 5, line 14.
Following: "Any"
Insert: "nonresident"

7. Page 6.
Following: line 26
Insert: "(4) Material used for construction, reconstruction, or improvement in connection with work performed under a contract as provided in subsection (2) must be produced using special fuel on which state fuel tax has been paid."

And, as amended, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

Senator Lewis reported that the Joint Select Committee on Pensions met for the first time yesterday, January 22, 2013. The committee will spend the next two months looking at pension proposals before developing recommendations.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/21/2013

HB 17, introduced by Hill
HB 40, introduced by Dudik
HB 47, introduced by McClafferty
HB 52, introduced by Lieser
HB 55, introduced by Knudsen
HB 58, introduced by Noonan
HB 60, introduced by Berry
HB 107, introduced by Lynch
HB 114, introduced by Clark
HB 137, introduced by Dudik

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 173, introduced by Keane (by request of the Office of Budget and Program Planning), referred to Business, Labor, and Economic Affairs.
SB 174, introduced by Keane (by request of the Office of Budget and Program Planning), referred to Business, Labor, and Economic Affairs.
SB 177, introduced by Wanzenried, referred to Finance and Claims.
SB 178, introduced by Van Dyk, Facey, Hamlett, Peterson, Ripley, Welborn, referred to Fish and Game.
SB 179, introduced by Kaufmann (by request of the Department of Revenue), referred to Taxation.
SB 180, introduced by Debby Barrett, Flynn, Shaw, Welborn, Wittich, referred to Energy and Telecommunications.
SB 181, introduced by Caferro, C. Smith, referred to Public Health, Welfare and Safety.
SB 182, introduced by Sonju, referred to Business, Labor, and Economic Affairs.
SB 183, introduced by Arntzen, Greef, Halvorson, Larsen, Wagoner, Wittich, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Windy Boy in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 44 - Senator Keane moved **SB 44** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 76 - Senator Vincent moved **SB 76** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 93 - Senator Vuckovich moved **SB 93** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 38

Nays: Brenden, D. Brown, Fielder, Moore, Sales, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 3 - Senator Essmann moved **SB 3** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Jergeson, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 33 - Senator Jent moved **SB 33** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 92 - Senator Olson moved **SB 92** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 24 - Senator Rosendale moved **SB 24**, do pass.
Senator Rosendale moved **SB 24**, second reading copy, be amended as follows:

1. Title, line 5.
Following: "PROHIBITED"
Insert: "THROUGH ZONING"
Strike: "IN AN AREA ZONED AS RESIDENTIAL"

2. Page 1, line 15.
Strike: "(a)" through "the"
Insert: "The"

3. Page 1, line 19 through line 21.
Strike: subsection (b) in its entirety

4. Page 1.
Following: line 24
Insert: "(4) If an applicant for an opencut sand or gravel permit on a tract of land that is not zoned under the provisions of this part has been notified that the application is complete under 82-4-432(4)(d), a resolution or rule for zoning under this part may not prohibit an opencut sand or gravel operation on that tract unless the date of the notice of a public hearing on the proposed zoning regulations under 76-2-205 precedes the date that the applicant was notified of the complete application."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 36

Nays: Blewett, Caferro, Facey, Jergeson, Kaufmann, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 24 - Senator Rosendale moved **SB 24**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Mr. President.
Total 35

Nays: Arthun, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Malek, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Wittich.
Total 15

Paired: Priest, Aye; Van Dyk, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Windy Boy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt,

Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Vuckovich, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 32 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 35 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 36 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 41 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 33

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Fielder, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried.
Total 17

Paired: Priest, Aye; Van Dyk, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 66 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 87 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 121 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SJR 2 adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Sales, Sonju, Walker.
Total 3

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 113** Motion carried.

SB 113 (Buttrey, Chief Sponsor)
Senators Arntzen, T. Brown, Facey, Lewis, Thomas, Tropila, Van Dyk, and Wanzenried.
Representatives Hollenbaugh, MacDonald, Noonan, and O'Hara.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Wanzenried arose on a point of inquiry. He requested assistance understanding the leadership plan to reduce dependence on federal funds and questioned if the plan is to apply reductions broadly to all programs funded from federal sources. President Essmann replied he would discuss the question with the chairman of Finance and Claims and with Senator Wanzenried following the session.

MOTIONS

Senator Vuckovich moved to change his vote on **SB 41** from Yes to No. Without objection, so ordered.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, January 24, 2013. Motion carried.

Senate adjourned at 2:58 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 24, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Arntzen and Sonju, excused. Quorum present.

Correctly printed: **SB 3**, **SB 31**, **SB 33**, **SB 44**, **SB 45**, **SB 49**, **SB 63**, **SB 70**, **SB 76**, **SB 92**, **SB 93**, **SB 117**, **SB 141**, **SB 173**, **SB 174**, **SB 177**, **SB 178**, **SB 179**, **SB 180**, **SB 181**, **SB 182**, **SB 183, SJR 6**.
Correctly engrossed: **SB 2**, **SB 21**, **SB 24**.
Transmitted to the House: **SB 5**, **SB 32**, **SB 35**, **SB 36**, **SB 41**, **SB 66**, **SB 87**, **SB 121**, **SJR 2**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 1/23/2013
SB 2, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "2010" on line 7
Insert: "AND REQUIRING EACH REPORT ON A BIENNIAL BASIS"

2. Page 2, line 20.
Following: line 19
Insert: "(3) On or before September 15 of even-numbered years, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of at-risk students."

3. Page 3, line 4.
Following: line 3
Insert: "(4) On or before September 15 of even-numbered years, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of American Indian students."

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 1/23/2013
SB 21, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "candidate"

Insert: "for governor"

2. Page 1, line 19.
Strike: "or purpose" on line 19 through "elected" on line 20
Insert: "for lieutenant governor"

And, as amended, do pass. Report adopted.

SB 134, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/23/2013
SB 108, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/23/2013

HB 36, introduced by Boland
HB 46, introduced by Ingraham
HB 50, introduced by Howard
HB 54, introduced by Ingraham
HB 64, introduced by Ingraham
HB 67, introduced by B. Bennett
HB 82, introduced by Reichner
HB 94, introduced by Lieser
HB 110, introduced by Pease-Lopez
HB 115, introduced by Clark
HB 124, introduced by O'Hara
HB 125, introduced by O'Hara
HB 129, introduced by Gibson

House joint resolution passed and transmitted to the Senate for concurrence: 1/23/2013

HJR 2, introduced by Hollenbaugh

MOTIONS

Senator T. Brown moved **SB 105** be moved from the Judiciary committee to the Local Government committee. Without objection, so ordered.

Senator Wittich moved **SB 69** be moved to the bottom of the Second Reading board. Without objection, so ordered.

Senator Tutvedt moved **SB 177** be moved from the Finance and Claims committee to the Taxation committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 184, introduced by Tutvedt, Fitzpatrick, Galt, Reichner, C. Smith, referred to Business, Labor, and Economic Affairs.
SB 185, introduced by Sesso, Ankney, Caferro, Jent, Larsen, Shaw, referred to State Administration.
SB 186, introduced by Hamlett, Hagan, referred to Judiciary.
SB 187, introduced by Webb, Boulanger, Caferro, Lenz, Murphy, Taylor, referred to Judiciary.
SB 188, introduced by Webb, Arntzen, Boulanger, Caferro, Fielder, Kary, Lenz, referred to Judiciary.
SB 189, introduced by Webb, Arntzen, Boulanger, Caferro, Fielder, Kary, Lenz, Murphy, Taylor, referred to Judiciary.
SB 190, introduced by Sonju, referred to Business, Labor, and Economic Affairs.
SB 191, introduced by T. Brown, Facey, L. Jones, Olson, Salomon, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 61 - Senator Ripley moved **SB 61** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Fielder, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 62 - Senator Ripley moved **SB 62** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 99 - Senator Olson moved **SB 99** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 47

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 55 - Senator Kaufmann moved **SB 55** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Murphy.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 57 - Senator Jent moved **SB 57** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 67 - Senator Van Dyk moved **SB 67** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SJR 4 - Senator Keane moved **SJR 4** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Moore, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

Senator Moore in the chair.

SB 69 - Senator Walker moved **SB 69** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest,

Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Jergeson, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 33 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 44 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Caferro, Kaufmann, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 76 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 92 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 93 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 36

Nays: Brenden, D. Brown, Fielder, Lewis, Moore, Priest, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

MOTIONS

Senator Buttrey moved to change his vote on **SB 57** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, January 25, 2013. Motion carried.

Senate adjourned at 1:53 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 25, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Arntzen and Vincent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/25/2013

Correctly printed: **SB 55**, **SB 57**, **SB 61**, **SB 62**, **SB 67**, **SB 69**, **SB 99**, **SB 108**, **SB 134**, **SB 184**, **SB 185**, **SB 186**, **SB 187**, **SB 188**, **SB 189**, **SB 190**, **SB 191, SJR 4**.

Transmitted to the House: **SB 3**, **SB 33**, **SB 44**, **SB 76**, **SB 92**, **SB 93**.

Senator Vincent joined the session.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 1/24/2013
SB 94, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/23/2013
SB 104, do pass. Report adopted.
SB 136, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/25/2013
SB 158, do pass. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 1/24/2013
HB 20, be concurred in. Report adopted.
HB 21, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 1/24/2013
SB 83, introduced bill, be amended as follows:

1. Page 1, line 9.
Following: "intent"
Insert: "-- definition"

2. Page 1, line 22 through page 1, line 23.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

3. Page 1, line 26.
Strike: "65%"
Insert: "51%"
`

4. Page 1, line 28 through page 1, line 29.
Strike: "in the immediate surrounding area"
Insert: "within 15 miles of its boundary unless adequate mitigation measures are in place to prevent the spread of pneumonia and disease and preclude commingling of mountain sheep with domestic sheep or domestic goats"

5. Page 2, line 3.
Following: "area"
Insert: "and the maximum number of mountain sheep proposed in the resulting population"

6. Page 2, line 6.
Strike: "that"
Insert: "or prompt mitigation remedies if the sheep"

7. Page 2, line 7.
Following: "property or"
Insert: "to"
Following: "operations"
Insert: "or jeopardize public health and safety, including causing a traffic hazard"

8. Page 2, line 9.
Following: "area"
Insert: "or mitigation by mutual agreement between the department and the affected parties"

9. Page 2, line 15.
Following: "counties"
Insert: "to ensure local government and local citizens in or near the affected areas are given adequate opportunities to become informed of the proposed project and to meaningfully participate in the public scoping process, and that local considerations are properly reflected in related decisions"

10. Page 2, line 16.
Strike: "a public meeting"
Insert: "general informational meetings"

11. Page 2, line 17 through page 2, line 19.
Strike: subsection (c)
Insert: "(c) give advance written notification by certified mail to all parties owning or leasing lands within the proposed transplantation area. The notice must summarize the proposed transplantation project, provide a map of the proposed transplantation area, provide

information about opportunities for submitting public comment, identify adverse impacts that could result from the project, list all related public meetings scheduled in the affected county or counties, and be given at least 30 days prior to commencement of the public scoping process. "

12. Page 2, line 22.
Following: "(a)"
Insert: "any available"

13. Page 2, line 28.
Following: "holding"
Insert: "at least"

14. Page 3, line 1.
Following: "with"
Insert: "the department of transportation,"
Following: "agriculture"
Insert: ","

15. Page 3, line 2.
Following: "impact"
Insert: "traffic safety or"
Strike: "in the transplantation area or the surrounding area"
Insert: "and reconcile any significant inconsistencies in plans, policies, or actions prior to proceeding"

16. Page 3, line 3.
Following: line 2
Insert: "(7) As used in this section, "transplantation area" means all lands expected to be used by the resulting mountain sheep population, depicted by an outer boundary of identified geographic features."

And, as amended, do pass. Report adopted.

SB 101, introduced bill, be amended as follows:

1. Page 3, line 13.
Following: "physician,"
Insert: "a licensed chiropractor,"

2. Page 3, line 19.
Following: line 18
Insert: "(ii) "Chiropractor" means a person who has a valid license to practice chiropractic in this state pursuant to Title 37, chapter 12, part 3."
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 1/25/2013
SB 107, do pass. Report adopted.
SB 113, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "SEXUAL ASSAULT OR"

2. Page 1, line 10
Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Admissibility of evidence of similar crimes in child molestation cases.** (1) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense of child molestation in any state may be admissible, notwithstanding Rule 404 of the Montana Rules of Evidence, except as otherwise provided by the United States constitution, the Montana constitution, statute, the Montana Rules of Evidence, or other rules applicable in the courts of Montana.

(2) The court may admit evidence of the other offense under this section only if it first finds each of the following:

(a) The evidence is sufficient to permit the trier of fact to find that the defendant committed the other offense.

(b) The commission of the other offense provides a reasonable basis to infer that the defendant had a character trait giving rise to an aberrant sexual propensity to commit the offense charged.

(c) The evidentiary value of proof of the other offense is not substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, considerations of undue delay, waste of time, or needless presentation of cumulative evidence as provided in Rule 403 of the Montana Rules of Evidence. In making that determination under Rule 403, the court shall also take into consideration the following factors, among others:

(i) the closeness in time of the other offense to the offense charged;

(ii) the similarity or dissimilarity of the other offense to the offense charged;

(iii) the strength of the evidence that the defendant committed the other offense;

(iv) the frequency of other offenses;

(v) the presence or lack of intervening circumstances;

(vi) the necessity of the evidence of the other offense beyond the testimony already offered at trial;

(vii) whether the other offense resulted in a criminal conviction; and

(viii) other facts and circumstances.

(d) The court shall make specific findings with respect to subsections (2)(a), (2)(b), and (2)(c).

(3) If the prosecution intends to offer evidence pursuant to this section, the prosecution shall disclose the evidence to the defendant. If the prosecution intends to offer a statement of a witness, the prosecution shall disclose that statement or a summary of the substance of any statement that

is expected to be offered at the time of the omnibus hearing held pursuant to 46-13-110 or at a later time that the court may for good cause allow.

(4) This section does not prohibit or limit the admission or consideration of evidence under any other statute or rule.

(5) As used in this section, the following definitions apply:

(a) "Child" means a victim of an offense who is under 14 years of age if the offender was, at the time of the offense, 18 years of age or older.

(b) "Offense of child molestation" means an offense that was committed in relation to a child that may be prosecuted pursuant to 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-625, or 45-5-627 or any similar law of any other state.

(c) "State" means this state, any other state, a territory or possession of the United States, an Indian reservation, the District of Columbia, or any other area under the jurisdiction of the United States.

Insert: "NEW SECTION. **Section 2. Admissibility of similar acts in civil cases involving child molestation.** (1) In a civil action in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting the offense of child molestation as defined in [section 1], evidence of that party's commission of another offense of child molestation in any state may be admissible, notwithstanding Rule 404 of the Montana Rules of Evidence, except as otherwise provided by the United States constitution, the Montana constitution, statute, the Montana Rules of Evidence, or other rules applicable in the courts of Montana.

(2) The court may admit evidence of another offense under this section only if it first finds each of the following:

(a) The evidence is sufficient to permit the trier of fact to find that the party committed the other offense.

(b) The commission of the other offense provides a reasonable basis to infer that the party had a character trait giving rise to an aberrant sexual propensity to commit the crime charged.

(c) The evidentiary value of proof of the other offense is not substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, considerations of undue delay, waste of time, or needless presentation of cumulative evidence as provided in Rule 403 of the Montana Rules of Evidence. In making that determination under Rule 403, the court shall also take into consideration the following factors, among others:

(i) the closeness in time of the other offense to the offense charged;

(ii) the similarity or dissimilarity of the other offense to the offense charged;

(iii) the strength of the evidence that the defendant committed the other offense;

(iv) the frequency of the other offenses;

(v) the presence or lack of intervening circumstances;

(vi) the necessity of the evidence of the other offense beyond the testimony already offered at trial;

(vii) whether the other offense was a criminal conviction; and

(viii) other facts and circumstances.

(d) the court shall make specific findings with respect to subsections (2)(a), (2)(b), and (2)(c).

(3) A party intending to offer evidence pursuant to this section shall disclose the evidence

to the opposing party. If a party intends to offer a statement of a witness, the party intending to offer the statement shall disclose the statement or a summary of the substance of the statement that is expected to be offered at least 15 days before the scheduled date of trial or at a later time that the court may for good cause allow.

(4) This section does not prohibit or limit the admission or consideration of evidence under any other statute or rule.

(5) As used in this section, "state" means this state, any other state, a territory or possession of the United States, an Indian reservation, the District of Columbia, or any other area under the jurisdiction of the United States.

Insert: "NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 46, chapter 15, part 4, and the provisions of Title 46, chapter 15, part 4, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 26, chapter 1, and the provisions of Title 26, chapter 1, apply to [section 2]."

Insert: "NEW SECTION. **Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

SB 133, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "45-8-317"
Insert: "AND 45-8-328"

2. Page 1, line 30.
Insert: "Section 2. Section 45-8-328, MCA, is amended to read:

"45-8-328. Carrying concealed weapon in prohibited place -- penalty. (1) Except for legislative security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k) and criminal investigators employed by the office of the state public defender as provided in 45-8-317(1)(l), a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in:

(a) portions of a building used for state or local government offices and related areas in the building that have been restricted;

(b) a bank, credit union, savings and loan institution, or similar institution during the institution's normal business hours. It is not an offense under this section to carry a concealed weapon while:

(i) using an institution's drive-up window, automatic teller machine, or unstaffed night depository; or

(ii) at or near a branch office of an institution in a mall, grocery store, or other place unless the person is inside the enclosure used for the institution's financial services or is using the institution's financial services.

(c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises.

(2) It is not a defense that the person had a valid permit to carry a concealed weapon. A person convicted of the offense shall be imprisoned in the county jail for a term not to exceed 6 months or fined an amount not to exceed $500, or both.""

And, as amended, do pass. Report adopted.

HB 42, be concurred in. Report adopted.
HB 132, be concurred in. Report adopted.
HB 139, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/24/2013

HB 22, introduced by Dudik
HB 45, introduced by Lavin
HB 59, introduced by Lynch
HB 70, introduced by MacDonald
HB 74, introduced by MacDonald
HB 131, introduced by Gursky
HB 155, introduced by D. Moore

MOTIONS

Senator Tutvedt moved **HB 63** be moved from the Taxation committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 24 passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 33

Nays: Arthun, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Larsen, Malek, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 17

Paired: Arntzen, Aye; Arthun, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 55 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Murphy.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 57 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 61 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 44

Nays: D. Brown, Fielder, Sales, Taylor, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 62 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 67 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 69 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 99 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SJR 4 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Moore, Sonju, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Olson introduced the Wittorff Violin Trio from Shepherd, Montana, who entertained the Senate members and staff.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Rosendale in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 114 - Senator Taylor moved **SB 114** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Blewett, Jergeson, Kaufmann, Larsen, Malek, Phillips, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 26 - Senator Jergeson moved **SB 26** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 70 - Senator Walker moved **SB 70** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 90 - Senator Olson moved **SB 90** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

SB 141 - Senator Olson moved **SB 141** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Rosendale moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen.
Total 1

MOTIONS

Senator Ripley moved **SB 114** be moved to the Finance and Claims committee. Without objection, so ordered.

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 180** Motion carried.

SB 180 (Debby Barrett, Chief Sponsor)
Senators Augare, Wanzenried, and Windy Boy.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, January 26, 2013. Motion carried.

Senate adjourned at 1:49 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 26, 2013 — State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Arntzen, F. Moore, Murphy, Priest, and Walker, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/26/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the first through fifth legislative days, find the same to be correct.

Correctly printed: **SB 26**, **SB 70**, **SB 90**, **SB 94**, **SB 104**, **SB 107**, **SB 136**, **SB 141**, **SB 158**, **HB 20**, **HB 21**, **HB 42**, **HB 132**, **HB 139**.
Correctly engrossed: **SB 83**, **SB 101**, **SB 113**, **SB 133**.
Transmitted to the House: **SB 24**, **SB 55**, **SB 57**, **SB 61**, **SB 62**, **SB 67**, **SB 69**, **SB 99, SJR 4**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 1/25/2013
SB 165, do pass. Report adopted.
HB 25, be concurred in. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 1/25/2013
SB 23, introduced bill, be amended as follows:

1. Page 3, line 2.
Strike: "(a)"

2. Page 3, line 4.
Strike: "(i)"
Insert: "(a)"
Following: "commissioners"
Insert: "present and voting"

3. Page 3, line 6.
Strike: "(ii)"
Insert: "(b)"
Strike: "four"
Insert: "four-fifths of the"
Following: "county commissioners"

Insert: "present and voting"

4. Page 3, line 7.
Strike: "(iii)"
Insert: "(c)"
Following: "commissioners"
Insert: "present and voting"

5. Page 3, lines 9 and 10.
Strike: subsection (b) in its entirety

6. Page 3.
Following: line 10
Insert: "NEW SECTION. **Section 2. Effect on pending applications -- current regulations to apply -- exception.** (1) An application for a permit or other authorization for a use of land under this chapter must be reviewed under the regulations that are in effect at the time that an application submitted to the reviewing authority was determined to be complete or sufficient unless the date that the governing body provided notice of a public hearing under 76-2-205 to establish or revise a zoning district or zoning regulation precedes the date that the application was determined to be complete or sufficient.

(2) If an application for a permit or other authorization for a use of land under this chapter is submitted and determined to be complete or sufficient before the date that the governing body issues a notice for a hearing on proposed interim zoning under 76-2-206, the application must be reviewed under the interim zoning regulations that are adopted subsequent to the hearing."
Insert: "NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, part 2, apply to [section 2]."

And, as amended, do pass. Report adopted.

SB 40, introduced bill, be amended as follows:

1. Title, line 5 through line 7.
Strike: "PROVIDING" on line 5 through "INFORMATION;" on line 7

2. Title, line 7.
Following: "SECTIONS"
Insert: "76-3-504, 76-3-601, AND"
Following: "76-3-604"
Insert: ","
Strike: "AND 76-3-615,"

3. Page 1.
Following: line 10
Insert: "Section 1. Section 76-3-504, MCA, is amended to read:

"76-3-504. Subdivision regulations -- contents. (1) The subdivision regulations adopted under this chapter must, at a minimum:

(a) list the materials that must be included in a subdivision application in order for the application to be determined to contain the required elements for the purposes of the review required in 76-3-604(1);

(b) except as provided in 76-3-509, 76-3-609, or 76-3-616, require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(c) establish procedures consistent with this chapter for the submission and review of subdivision applications and amended applications;

(d) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(e) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development. The regulations must prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques or other mitigation measures authorized under 76-3-608(4) and (5). Approved construction techniques or other mitigation measures may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in 50-60-901.

(f) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(g) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

(iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that meet the:

(A) regulations adopted by the department of environmental quality under 76-4-104 for subdivisions that will create one or more parcels containing less than 20 acres; and

(B) standards provided in 76-3-604 and 76-3-622 for subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres; and

(iv) the location and installation of public utilities;

(h) provide procedures for the administration of the park and open-space requirements of this chapter;

(i) provide for the review of subdivision applications by affected public utilities and those agencies of local, state, and federal government identified during the preapplication consultation conducted pursuant to subsection (1)(q) or those having a substantial interest in a proposed subdivision. A public utility or agency review may not delay the governing body's action on the application beyond the time limits specified in this chapter, and the failure of any agency to complete a review of an application may not be a basis for rejection of the application by the governing body.

(j) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:

(i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(k) (i) except as provided in subsection (1)(k)(ii), require the subdivider to establish ditch easements in the subdivision that:

(A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

(B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

(C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

(ii) Establishment of easements pursuant to this subsection (1)(k) is not required if:

(A) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(B) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(l) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

(m) require the subdivider to describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.

(n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;

(o) establish procedures describing how the governing body or its agent or agency will address information presented at the hearing or hearings held pursuant to 76-3-605 and 76-3-615;

(p) establish criteria that the governing body or reviewing authority will use to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter. The regulations must provide for an appeals process to the governing body if the reviewing authority is not the governing body.

(q) establish a preapplication process that:

(i) requires a subdivider to meet with the authorized agent or agency, other than the governing body, that is designated by the governing body to review subdivision applications prior to the subdivider submitting the application;

(ii) requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process;

(iii) requires a list to be made available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the timeframe for response.

(iv) requires that a preapplication meeting take place no more than 30 days from the date that the authorized agent or agency receives a written request for a preapplication meeting from the subdivider; and

(v) establishes a time limit after a preapplication meeting by which an application must be submitted as provided in 76-3-604;

(r) requires that the written decision required by 76-3-620 must be provided to the applicant within 30 working days following a decision by the governing body to approve, conditionally approve, or deny a subdivision.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.

~~(3) The governing body may establish deadlines for submittal of subdivision applications.~~"

"

Insert: "Section 2. Section 76-3-601, MCA, is amended to read:

"76-3-601. Submission of application and preliminary plat for review -- water and sanitation information required. (1) ~~Subject to the submittal deadlines established as provided in 76-3-504(3), the~~ The subdivider shall present to the governing body or to the agent or agency designated by the governing body the subdivision application, including the preliminary plat of the proposed subdivision, for local review. The preliminary plat must show all pertinent features of the proposed subdivision and all proposed improvements and must be accompanied by the preliminary water and sanitation information required under 76-3-622.

(2) (a) When the proposed subdivision lies within the boundaries of an incorporated city or town, the application and preliminary plat must be submitted to and approved by the city or town governing body.

(b) When the proposed subdivision is situated entirely in an unincorporated area, the application and preliminary plat must be submitted to and approved by the governing body of the county. However, if the proposed subdivision lies within 1 mile of a third-class city or town, within 2 miles of a second-class city, or within 3 miles of a first-class city, the county governing body shall submit the application and preliminary plat to the city or town governing body or its designated agent for review and comment. If the proposed subdivision is situated within a rural school district, as described in 20-9-615, the county governing body shall provide a summary of the information contained in the application and preliminary plat to school district trustees.

(c) If the proposed subdivision lies partly within an incorporated city or town, the application and preliminary plat must be submitted to and approved by both the city or town and the county governing bodies.

(d) When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall coordinate the subdivision review and annexation procedures to minimize duplication of hearings, reports, and other requirements whenever possible.

(3) The provisions of 76-3-604, 76-3-605, 76-3-608 through 76-3-610, and this section do not limit the authority of certain municipalities to regulate subdivisions beyond their corporate limits pursuant to 7-3-4444.""

Renumber: subsequent sections

4. Page 1, line 13 through line 18.
Strike: "The" on line 14 through "request" on line 18
Insert: "A subdivision application is considered to be received on the date of delivery to the reviewing agent or agency and when accompanied by the review fee submitted as provided in 76-3-602"

5. Page 1, line 19.
Strike: "from" through "submit the"
Insert: "of receipt of a subdivision"

6. Page 1, line 25 through line 29.
Strike: subsection (c) in its entirety

7. Page 3, line 27 through page 4, line 24.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 48, introduced bill, be amended as follows:

1. Title, line 7.
Following: "SECTIONS"
Insert: "7-13-2275,"
Following: "7-13-4307,"
Insert: "69-7-111,"

2. Page 1.
Following: line 9
Insert: "Section 1. Section 7-13-2275, MCA, is amended to read:

"7-13-2275. Procedure relating to ordinances and resolutions -- rates, fees, and charges established. (1) The ayes and noes must be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. An ordinance or resolution may not be passed or become effective without the affirmative votes of at

least a majority of the total members of the board.

(2) The enacting clause of all ordinances passed by the board must be in these words: "Be it ordained by the board of directors of_____district as follows:"

(3) All resolutions and ordinances must be signed by the president of the board and attested by the secretary.

(4) (a) Except as provided in ~~subsection~~ subsections (5) and (6), prior to the passage or enactment of an ordinance or resolution imposing, establishing, changing, or increasing rates, fees, or charges for services or facilities, the board shall order a public hearing.

(b) Notice of the public hearing must be published as provided in 7-1-2121. The published notice must contain:

(i) the date, time, and place of the hearing;

(ii) a brief statement of the proposed action; and

(iii) the address and telephone number of a person who may be contacted for further information regarding the hearing.

(c) The notice must also be mailed to all persons who own property in the district and to all customers of the district at least 7 days and not more than 30 days prior to the public hearing. The mailed notice must contain an estimate of the amount that the property owner or customer will be charged under the proposed ordinance or resolution.

(d) Any interested person, corporation, or company may be present, represented by counsel, and testify at the hearing.

(e) The hearing may be continued by the board as necessary. After the public hearing, the board may, by resolution, impose, establish, change, or increase rates, fees, or charges.

(5) A public hearing is not required for a cumulative rate increase of less than or equal to 5% within a 12-month period if the board provides notification of the increase to persons within the district on whom the rate will be imposed at least 10 days prior to the passage or enactment of the ordinance or resolution implementing the increase.

(6)(a) If the establishment of or change in rates, fees, or charges proposed by a regional authority requires the authority to hold a public hearing pursuant to 75-6-326 and requires an increase to the rates, fees, or charges imposed by the district greater than the increase provided in subsection (5), the board shall:

(i) mail notice of the public hearing to be held by the authority to all customers of the district system at least 15 days prior to the public hearing; and

(ii) provide notification of the change to customers of the district system on whom the increased rates, fees, or charges will be imposed at least 10 days prior to the passage or enactment of the ordinance or resolution implementing the increase.

(b) The district is not required to hold a public hearing on the increase.""

Renumber: subsequent sections

3. Page 3.

Following: line 21

Insert: "Section 4. Section 69-7-111, MCA, is amended to read:

"69-7-111. Municipal rate hearing required -- notice. (1) Except as provided in 75-5-516, ~~and~~ 75-6-108, and subsection (6), if the governing body of a municipality considers it advisable to regulate, establish, or change rates, charges, or classifications imposed on its customers, it shall order a hearing to be held before it at a time and place specified.

(2) Notice of the hearing ~~shall~~ must be published in a newspaper as provided in 7-1-4127.

(3) (a) The notice ~~shall~~ must be published three times with at least 6 days separating each publication. The first publication may be no more than 28 days prior to the hearing, and the last publication may be no less than 3 days prior to the hearing.

(b) The notice must also be mailed at least 7 days and not more than 30 days prior to the hearing to persons served by the utility. The notice must be mailed within the prescribed time period. This notice must contain an estimate of the amount the customer's average bill will increase.

(4) The published notice must contain:

(a) the date, time, and place of the hearing;

(b) a brief statement of the proposed action; and

(c) the address and telephone number of a person who may be contacted for further information regarding the hearing.

(5) Notice of all hearings shall be mailed first class, postage prepaid, to the Montana consumer counsel.

(6)(a) If the proposed increase in the rates, fees, or charges imposed by the municipality is the result of the establishment of or change in rates, fees, or charges imposed by a regional authority of which the municipality is a customer and the authority is required to hold a public hearing pursuant to 75-6-326, the governing body of the municipality shall:

(i) mail notice of the public hearing to be held by the authority to all persons served by the municipality at least 15 days before the public hearing; and

(ii) provide notification to all persons served by the municipality at least 10 days prior to the enactment of the ordinance or adoption of the resolution implementing the increase.

(b) The municipality is not required to hold a public hearing in connection with the increase.

(7) If a regional authority is not required to hold a public hearing as provided in 75-6-326(9), the municipality is subject to the hearing requirements of this section.""

Renumber: subsequent sections

4. Page 4, line 25.
Strike: "Prior"
Insert: "Except as provided in subsection (9), prior"

5. Page 5, line 3.
Following: "and"
Insert: "to"
Strike: "body"
Insert: "bodies"

6. Page 5, line 4.
Strike: "7"
Insert: "25"
Strike: "30"
Insert: "40"

7. Page 5, line 8.

Strike: "adjustment to"
Insert: "increase in"

8. Page 5, line 10.
Following: "corporation,"
Insert: "governmental body,"

9. Page 5, line 15.
Following: "charges"
Insert: "of the authority"

10. Page 5.
Following: line 17
Insert: "(9) The authority is not required to hold a public hearing for a cumulative rate increase of less than or equal to 5% within a 12-month period if the governing body of the authority provides notification of the increase to rural customers and to the governing bodies of district customers and municipal customers on whom the rate will be imposed at least 10 days prior to the passage or enactment of the ordinance or resolution implementing the increase."

And, as amended, do pass. Report adopted.

SB 77, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "$100,000"
Insert: "$80,000"

2. Title, line 5.
Strike: "MUNICIPAL"
Insert: "LOCAL GOVERNMENT AND SCHOOL"

3. Title, line 6.
Strike: "SECTION"
Insert: "SECTIONS 7-5-2301,"
Following: "7-5-4302,"
Insert: "AND 20-9-204,"

4. Page 1.
Following: line 9
Insert: "Section 1. Section 7-5-2301, MCA, is amended to read:

"7-5-2301. Competitive, advertised bidding required for certain large purchases or construction contracts. (1) Except as provided in 7-5-2304 and Title 18, chapter 2, part 5, a contract for the purchase of any vehicle, road machinery or other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance in

excess of ~~$50,000~~ $80,000 may not be entered into by a county governing body without first publishing a notice calling for bids.

(2) The notice must be published as provided in 7-1-2121.

(3) Subject to 7-5-2309 and except as provided in Title 18, chapter 2, part 5, every contract subject to bidding must be let to the lowest responsible bidder.""

Renumber: subsequent section

5. Page 1, line 15.
Strike: "$100,000"
Insert: "$80,000"

6. Page 1.
Following: line 25
Insert: "Section 3. Section 20-9-204, MCA, is amended to read:

"20-9-204. Conflicts of interests, letting contracts, and calling for bids -- exceptions. (1) It is unlawful for a trustee to:

(a) have any pecuniary interest, either directly or indirectly, in any contract made by the trustee while acting in that official capacity or by the board of trustees of which the trustee is a member; or

(b) be employed in any capacity by the trustee's own school district, with the exception of officiating at athletic competitions under the auspices of the Montana officials association.

(2) For the purposes of subsection (1):

(a) "contract" does not include:

(i) merchandise sold to the highest bidder at public auctions;

(ii) investments or deposits in financial institutions that are in the business of loaning or receiving money when the investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one financial institution in the community; or

(iii) contracts for professional services, other than salaried services, or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources if the interest of any board member and a determination of the lack of availability are entered in the minutes of the board meeting at which the contract is considered; and

(b) "pecuniary interest" does not include holding an interest of 10% or less in a corporation.

(3) (a) Except for district needs that must be met because of an unforeseen emergency, as defined in 20-3-322(5), or as provided in subsections (4) and (6) of this section, whenever any building, furnishing, repairing, or other work for the benefit of the district or purchasing of supplies for the district is necessary, the work done or the purchase made must be by contract if the sum exceeds ~~$50,000~~ $80,000.

(b) Except as provided in Title 18, chapter 2, part 5, each contract must be let to the lowest responsible bidder after advertisement for bids. The advertisement for bids under this subsection (3)(b) must be published in the newspaper that will give notice to the largest number of people of the district as determined by the trustees. The advertisement must be made once each week for 2 consecutive weeks, and the second publication must be made not less than 5 days or more than 12 days before consideration of bids. A contract not let pursuant to this section is void. The bidding requirements applicable to services performed for the benefit of the district under this section do

not apply to:

(i) a registered professional engineer, surveyor, real estate appraiser, or registered architect;

(ii) a physician, dentist, pharmacist, or other medical, dental, or health care provider;

(iii) an attorney;

(iv) a consulting actuary;

(v) a private investigator licensed by any jurisdiction;

(vi) a claims adjuster;

(vii) an accountant licensed under Title 37, chapter 50; or

(viii) a project, as defined in 18-2-501, for which a governing body, as defined in 18-2-501, enters into an alternative project delivery contract pursuant to Title 18, chapter 2, part 5.

(4) A district may enter into a cooperative purchasing contract for the procurement of supplies or services with one or more districts. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of subsection (3) if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

(5) This section may not require the board of trustees to let a contract for any routine and regularly performed maintenance or repair project or service that can be accomplished by district staff whose regular employment with the school district is related to the routine performance of maintenance for the district.

(6) Subsection (3) does not apply to the solicitation or award of a contract for an investment grade energy audit or an energy performance contract pursuant to Title 90, chapter 4, part 11, including construction and installation of conservation measures pursuant to the energy performance contract.""

And, as amended, do pass. Report adopted.

SB 132, introduced bill, be amended as follows:

1. Page 4, line 17.
Strike: "March 1"
Insert: "August 1"

And, as amended, do pass. Report adopted.

SB 146, introduced bill, be amended as follows:

1. Title, line 5.
Following: "THAT"
Insert: "CERTAIN"
Strike: "SUPPORTED BY"
Insert: "USED BY A GOVERNING BODY ONLY IF IT IS"

2. Page 2, line 23.
Following: "federal"
Strike: ","
Insert: "or"
Strike: ", or local"
Following: "written"
Insert: "or oral"

3. Page 2, line 25.
Strike: "governmental" through "available"
Insert: "comment or opinion may be included in the governing body's written statement under 76-3-620 only if the comment or opinion provides"
Following: "information"
Insert: "or a published study"

And, as amended, do pass. Report adopted.

SB 147, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "SURROUNDING"
Insert: "ADJACENT"

2. Page 1, line 24.
Strike: "surrounding"
Insert: "adjacent"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

January 16, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Essmann:

In accordance with MCA 5-5-301 and 5-5-302, I submit to you the interim appointments made by Governor Schweitzer. As you are aware, these appointments were made after the 2011 legislative session and require Senate confirmation.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/25/2013

HB 72, introduced by MacDonald
HB 73, introduced by Flynn
HB 77, introduced by Ingraham
HB 104, introduced by Regier
HB 141, introduced by Noonan
HB 190, introduced by Knudsen
HB 212, introduced by Knudsen

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 192, introduced by Wanzenried, referred to Finance and Claims.
SB 193, introduced by Jent, referred to Fish and Game.
SB 194, introduced by Blewett, Murphy, referred to Judiciary.
SB 195, introduced by Blewett, Zolnikov, Miller, referred to Judiciary.
SB 196, introduced by Rosendale, Augare, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, Facey, L. Jones, F. Moore, Osmundson, Reichner, Sales, Taylor, Thomas, Van Dyk, Walker, Wanzenried, Warburton, Windy Boy, Wittich, referred to Judiciary.
SB 197, introduced by Boulanger, Arthun, Brenden, Buttrey, Connell, Doane, Fielder, Galt, Kary, Knudsen, Lewis, Olson, Redfield, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Washburn, Webb, Welborn, White, Zolnikov, referred to Fish and Game.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 7, introduced by Lewis, Taylor, referred to Judiciary.
SJR 8, introduced by Larsen, Arthun, Augare, Debby Barrett, Dick Barrett, B. Bennett, G. Bennett, Blewett, Boland, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Connell, Cook, Driscoll, Facey, Fielder, Flynn, Galt, Gibson, Greef, Hamlett, Harris, Hoven, Jackson, Jent, Jergeson, L. Jones, Keane, Lewis, Lieser, MacDonald, Malek, McChesney, McClafferty, F. Moore, Murphy, Noonan, Olson, Peterson, Phillips, Price, Priest, Ripley, Rosendale, Sales, Salomon, Schwaderer, Sesso, Shaw, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Vuckovich, Wanzenried, Webb, Wilmer, Windy Boy, Wittich, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 49 - Senator Ripley moved **SB 49** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 123 - Senator Van Dyk moved **SB 123** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: D. Brown, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 116 - Senator Arthun moved **SB 116** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SJR 6 - Senator Olson moved **SJR 6** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.
Total 40

Nays: Barrett Debby, Sales, Wanzenried, Wittich, Mr. President.
Total 5

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 44

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 70 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 90 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Webb.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

SB 141 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Moore, Murphy, Priest, Walker.
Total 5

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 175** Motion carried.

SB 175 (L. Jones, Chief Sponsor)
Senator Jergeson.

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the pages of the week for their service.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Essmann announced that a copy of the Governor's appointment confirmation letter has been placed on each Senator's desk and confirmation proceedings assigned to the appropriate committees for action.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, January 28, 2013. Motion carried.

Senate adjourned at 8:34 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 28, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Arntzen and Priest, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/28/2013

Correctly printed: **SB 49**, **SB 116**, **SB 123**, **SB 165**, **SB 192**, **SB 193**, **SB 194**, **SB 195**, **SB 196**, **SB 197**, **SJR 6**, **SJR 7**, **SJR 8**, **HB 25**.
Correctly engrossed: **SB 23**, **SB 40**, **SB 48**, **SB 77**, **SB 132**, **SB 146**, **SB 147**.
Transmitted to the House: **SB 26**, **SB 70**, **SB 90**, **SB 141**.

MOTIONS

Majority Leader Wittich moved the Senate recess and proceed to the House of Representatives for a joint session for the purpose of hearing an address from Congressman Steve Daines, and then reconvene upon adjournment of the joint session. Motion carried.

The Senate recessed at 1:05 p.m.

The Senate was welcomed into the House of Representatives. President Essmann assumed the chair.

Majority Leader Wittich moved the body resolve itself into a joint session for the purpose of receiving an address from the Honorable Congressman for the State of Montana, Steve Daines. Motion carried.

Majority Leader Wittich moved that the President be authorized to appoint a committee of four to notify Congressman Daines that the body was in joint session and ready to receive his address. Without objection, President Essmann appointed Senators Jackson and Tropila, and Representatives Dudik and Glimm to escort Congressman Daines into the chamber.

President Essmann introduced Congressman Steve Daines who gave the following remarks:

*****

President Essmann, Speaker Blasdel, Senator Sesso and Representative Hunter. Members of the Montana State Senate and State House. Governor Bullock, Secretary of State McCulloch, Attorney General Fox, and other elected officials.

It's an honor to be here with you today. And it's great to be home. I want to give a special hello to all of the brand-new legislators out there. I can relate. I am grateful for your willingness to serve the people of Montana. I have a deep appreciation for our state's true "citizen legislature." It's something that sets Montana apart from other states, and I think is a true reflection of how our elected leaders should serve.

Here, the people who pass the laws--all of you--will go home in 90 days or so and actually have to work and live under those same laws. Our citizen legislators remain connected to those they serve, because they work and live in those same communities. You know what it means to create jobs, because you still own a small business. You understand how precious our state's resources are, because when you get home, there will still be fields to cultivate and crops to eventually harvest, cows to take care of.

You know how important education is to our kids' futures, because you have kids still in school or are an educator yourself. Most importantly, you understand the importance of working together and putting politics and personality aside so that our kids and grandkids, so that our state, can have the best future possible.

It's a lesson that Washington needs to learn, and I hope it's an attitude that remains unwavering as you work through this year's legislative session. As Montana's sole voice in the U.S. House of Representatives, this is a principle that I strive to live by as well.

Senator Baucus, Senator Tester and myself make up just three voices among 535 in Washington, D.C. Needless to say, we're a bit outnumbered. So it's critical that our Montana voice is strong. It's important that we work together in Washington, to put Montana first, and that we also work closely with each of you. I enjoyed meeting with the Senators on my first day in office--some of you may have seen the photos of the three of us in my DC office.

And speaking of having Montanans back in Washington. My wife of 26 years, Cindy, was unable to join me for President Obama's inauguration last week, so I had a spare ticket for one of the best seats in the house. And I looked at it, and thought "Someone from Montana should get this." And I was delighted that our own Secretary of State, Linda McCulloch, was able to join me. I hear it's the first inauguration she's been to since Nixon's.

I also got to join Senator Baucus and our new governor, Steve Bullock, for what has become a Montana Inauguration Day tradition. The three of us, along with the Governor's daughter Caroline, had the opportunity to saddle up and ride horses all the way down Pennsylvania Avenue, from the U.S. Capitol to the White House. I just prayed it didn't turn into a rodeo. And if it did, I was ready to hang on for eight seconds and ride to the buzzer. It was such an honor to join Max and Steve for that ride. And I truly appreciate both of our Senators going out of their way to welcome me to Congress earlier this month.

You know, we won't always agree on everything. And that's okay. But we know that working for our state and the people who call Montana home must always remain our number one goal. And to best serve the people of Montana, we all need to work together. And we need to also work with all of you here at home.

It's hard to believe that it's already been nearly a month since I was sworn into office. I was honored to have my wife, Cindy, my four kids, my parents, and my sister and her family join me in Washington, D.C. that day. I can't think of anyone more important to share that moment with than my family.

While taking the oath of office, I held on to this little tattered Bible that had been passed down by my grandfather, who was born and raised in Conrad, Montana. And two of my children, Caroline and Michael, sat next to me on the House floor. I was reminded in that moment that the things that are most important to me as a father are also most important to me as Montana's Congressman: what I pass down to my children. My grandfather passed down more than a little tattered Bible. He passed down commonsense Montana values. Values that have shaped who I am today.

My great-great-grandmother first came to Montana as a widow seeking a better future for her children, and she found it outside of Conrad, Montana. Montana pioneers made a future in our state because they shared commonsense values of hard work, saving for the future and helping their neighbors. Five generations later, we have the same responsibility to our children to save, to work hard and to hand down a future rich with opportunity and freedom. It's a stark comparison to what we're seeing in Washington, D.C.

It goes without saying, but I'll say it anyway: Washington is broken. From runaway spending to record deficits, Washington has a habit of rewarding all the wrong behaviors. That town doesn't promote success--it promotes failure.

I come from a business background, as I know many of you do. As any hardworking Montana taxpayer knows, families must balance their budgets...small businesses must balance their budgets...the state of Montana must balance its budget. It's about time Washington, D.C. did the same.

Washington consistently fails to live within its means. Washington knows how to cut deals. Montanans want them to solve problems. Washington has emerged from recession better than any other region in the country. Seven of the 10 wealthiest counties in the nation are found in the greater Washington, D.C. area, with a median income of more than $100,000. That's more than twice the median income of Montana families.

While hard-working families from across the United States have had to make sacrifices, Washington continues to spend without limit, to reward inaction, and put special interests ahead of the needs of American families. Thankfully, we do things a little differently in Montana. I can think of no better example of what makes America great than the Treasure State.

Our Montana values--putting faith and family first, never being afraid of a hard day's work, taking responsibility for ourselves and our actions--these principles have shaped our state for the better. We value our resources and take pride in hard work and innovation. We honor the legacy that our grandparents and our veterans left us. Because we know that these lessons, these values, are what has allowed our state to prosper and grow.

Now, despite what we all believe and will tell to any out-of-stater who thinks differently, things aren't

always perfect in Montana. But we learn from our mistakes, and we work to make things better. In Montana we don't give up. And we don't settle for "good enough" when we know that better is possible.

We have great success stories here in Montana. The City of Billings is a good example of this. Not too long ago, the city was in tough financial shape. So, they made tough decisions and introduced priority-based budgeting. Departments broke down operations into a series of programs, attached the cost and staffing level for those programs and ranked them by priority.

Seems like common sense--the sort of thing we do around the dinner table at home. This is just one example of taking commonsense ideas and creating real solutions. We need to bring these commonsense Montana solutions to Washington, D.C.

That's why I'm here today--to learn from all of you. And that's why I am spending the coming week meeting with Montanans who are innovators in business, public service, and education and have the real experience and real results needed in Washington if we want to pass down the same opportunities to our children.

We are fighting to protect the things we value and to leave a better future to the next generation. It's that simple but it's not going to be easy.

That's why I'm focused on three key principles--three commonsense Montana values--that we need to bring to Washington to win this fight.

First, we must never forget where we came from and what we're fighting for.

Our parents and grandparents shaped this country, and worked hard to leave a better future for each of us. We must keep the promises we've made to our seniors and protect what they've worked for and deserve.

And we must never forget those who gave the most--our veterans. I know many of you here today have served, and for that we owe our eternal gratitude and thanks. And like me, many of you have parents or grandparents who have served in our armed forces. My dad was a Marine, and his service and sacrifice to our nation inspired me and helped shape who I grew up to be.

He also instilled in me a deep appreciation of Montana's heritage. In Montana, we value our freedoms and we know the importance of protecting them. That's why I'm committed to protecting and defending Montanans' second amendment rights. I grew up hunting with my dad and my grandpa, a tradition I've passed on to my kids. After the election in November, I cleared out my schedule, shut off my Blackberry, and took my youngest son and daughter hunting.

Speaking of my kids, in Montana, we know how important family is. Every day, I am inspired by my four children. They are the reason why I decided to run for Congress. Like many of you, I'm worried about the future we're going to leave for the next generation.

This is the first time in our nation's history where we're at risk of leaving the next generation a future

that is worse than the one our parents gave to us. We must take concrete steps today to ensure that doesn't happen. We need to ensure our kids have the opportunities to obtain a quality education and, just as importantly, that there are actually jobs available once they graduate.

Which is why, second, we must work toward commonsense solutions that grow our economy

Between miles of red tape, constantly changing regulations, and a tax code that's inches thick, it's no wonder that small businesses across the country are struggling. We have to make it easier for Montana businesses to grow and create jobs. It's time for real tax reform--a pro-growth tax code that provides American families and small businesses with certainty, not confusion, and encourages our small businesses to grow, invest, and hire new employees.

In this global economy, our competitors are no longer just down the street, or across the state, or across the country...they are now across the world. We need a tax code that enables American businesses with the ability to win in the global marketplace, and most importantly, create jobs.

We also need commonsense regulatory reform. Let's remove the red tape and the out-of-touch regulations that hold back our businesses, our health care providers, our family farms and ranches, and our energy producers. There are businesses just waiting to hire Montanans. But when the rules can change at the blink of an eye, it's nearly impossible for our state's businesses to invest in new workers.

This is perhaps no more evident than the ongoing debate over the Keystone XL pipeline. Let me be clear--this project means jobs for Montanans. It means coming one step closer to North American energy independence. This isn't about politics--Republicans and Democrats alike support the pipeline. This is about American jobs.

It's time for President Obama to approve this project.

Montana has an abundance of natural resources, from our mountains and rivers to energy sources like coal and natural gas. Those of us in Montana understand the importance of being good stewards of our resources. I believe that Montanans know how to best protect the resources we value, and we also know how to best put them to use.

I'm excited about the new partnership between the Crow Tribe and Cloud Peak Energy. That agreement will open up access to more than one billion tons of coal. That means new, good-paying jobs. That means millions of dollars injected into the economy. We should be encouraging these kinds of partnerships not putting up more roadblocks to commonsense energy production.

But to accomplish any of these objectives, we must get our country back on solid fiscal ground. We need to balance our budget. (For those of you who are counting, that's number three.)

When the Montana legislature adjourns this spring, you will have delivered a balanced budget for the people of Montana. I was looking over your website this week, and came across this: "Unlike the federal government, Montana state government cannot operate at a deficit. The state constitution requires the Legislature to balance the budget every session. In fact, passing a

balanced budget is the only constitutionally required duty of the Legislature." I'd like to see this commonsense approach embraced in Washington.

Because Washington has proven time and time again that it is unable to live within its means. Out-of-control spending, $16 trillion in debt, the absence of a budget. Enough is enough. Washington politicians need to spend less, not take more. I am calling on Congress to come together and pass a budget that will balance our nation's budget within 10 years. Anything less is unfair to the next generation. To get our nation's spending under control, to balance our budget, and to preserve the things we value most, we must make Washington accountable.

Montana families and small businesses understand that you can't spend more than you take in and that you need to balance your budget. These are common sense principles that Montanans live by every day--yet Washington refuses to follow them. It's absurd that Congress continues to refuse to fulfill the most basic requirement of their job--and that's passing a budget.

I've spent 28 years of my life in business, and I know that if you don't do your job, you don't get paid. We need to bring that same accountability to Washington. Our nation is facing a fiscal crisis, and Washington's refusal to balance its budget only drives us deeper into debt threatening our economic recovery, the promises we've made to our seniors, and the future we hope to leave to the next generation.

Washington must be accountable to the American people. That's why I supported the "No Budget, No Pay" Act last week that passed the U.S. House on a bipartisan vote. It's simple--the House and the Senate must pass a budget, or the members' pay is withheld.

And by the way, this "No Budget, No Pay" idea did not originate from folks like Paul Ryan or Eric Cantor… it originated from Democrat Jim Cooper of Tennessee. I signed on to Jim's bill as one of my first to-do's when I took office. You might recall, the U.S. Senate has not passed a budget in nearly four years. And this bill heads to the Senate next week where it is expected to pass.

It's common sense--if you don't do your job, you don't get paid. No budget, no pay. Measures like this reflect the things we've seen work in Montana. Commonsense business principles, that protect hardworking Montana taxpayers. We must make smart decisions today so that we can give to the next generation what they've been promised.

There's a fight ahead in Washington--a fight for the future for our kids, our state, our country.

We need to get our nation's debt under control. We need to balance the budget. We need to make Washington accountable to the American people. To Montanans. To you. I know I can't do it alone. I know that the solutions won't just come from one person or one party. It all comes back to working together. To bringing commonsense Montana ideas--like balancing a budget-- to Washington, D.C., to ensure our elected leaders are accountable to the people they serve.

I'm spending the rest of my week traveling the state and talking with Montana business owners, innovators, and community leaders, so that I can learn from and take those solutions to Washington.

Because together, we can find solutions that put our nation back on track. Solutions that renew our economy and get Montanans back to work. Solutions that allow us to keep our promises to our grandparents and our veterans. Solutions that ensure we're leaving a better future for our kids.

It's been an honor to be here with you today. Thank you again for the work you're doing on behalf of our state--I look forward to working with all of you.

*****

President Essmann thanked Congressman Daines and directed the committee of four to escort the Congressman from the joint session.

Majority Leader Wittich moved the joint session be adjourned. Motion carried. The joint session was adjourned at 1:39 p.m.

The Senate reconvened at 1:45 p.m.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 1/28/2013
SB 145, do pass. Report adopted.
SJR 3, do pass. Report adopted.
HB 92, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 1/25/2013
SB 137, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: "**exclusions.**"
Insert: "(1)"

2. Page 1, line 17.
Strike: "(1)"
Insert: "(a)"

3. Page 1, line 18.
Following: "abandonment,"
Insert: "or"

4. Page 1, line 18.
Strike: ", or" through "circumstances"

5. Page 1, line 19.
Strike: "and"

6. Page 1, line 20.
Strike: "(2)"
Insert: "(b)"
Following: "violation"
Insert: "; and
(c) the person is making an effort to abate the violation.
(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

7. Page 1, line 22.
Following: "**exclusions.**"
Insert: "(1)"

8. Page 1, line 26.
Strike: "(1)"
Insert: "(a)"

9. Page 1, line 27.
Following: "abandonment,"
Insert: "or"

10. Page 1, line 27.
Strike: ", or" through "circumstances"

11. Page 1, line 28.
Strike: "and"

12. Page 1, line 29.
Strike: "(2)"
Insert: "(b)"
Following: "violation"
Insert: "; and
(c) the person is making an effort to abate the violation.
(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

13. Page 2, line 1.
Following: "**exclusions.**"
Insert: "(1)"

14. Page 2, line 5.
Strike: "(1)"
Insert: "(a)"

15. Page 2, line 6.

Following: "abandonment,"
Insert: "or"

16. Page 2, line 6.
Strike: ", or" through "circumstances"

17. Page 2, line 7.
Strike: "and"

18. Page 2, line 8.
Strike: "(2)"
Insert: "(b)"
Following: "violation"
Insert: "; and
(c) the person is making an effort to abate the violation.
(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

19. Page 2, line 10.
Following: "**exclusions.**"
Insert: "(1)"

20. Page 2, line 14.
Strike: "(1)"
Insert: "(a)"

21. Page 2, line 15.
Following: "abandonment,"
Insert: "or"

22. Page 2, line 15.
Strike: ", or" through "circumstances"

23. Page 2, line 16.
Strike: "and"

24. Page 2, line 17.
Strike: "(2)"
Insert: "(b)"
Following: "violation"
Insert: "; and
(c) the person is making an effort to abate the violation.
(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

25. Page 2, line 19.
Following: "**exclusions.**"
Insert: "(1)"

26. Page 2, line 23.
Strike: "(1)"
Insert: "(a)"

27. Page 2, line 24.
Following: "abandonment,"
Insert: "or"

28. Page 2, line 24.
Strike: ", or" through "circumstances"

29. Page 2, line 25.
Strike: "and"

30. Page 2, line 26.
Strike: "(2)"
Insert: "(b)"
Following: "violation"
Insert: "; and
(c) the person is making an effort to abate the violation.
(2) For the purposes of this part, "government entity" includes a consolidated city-county, a county, and an incorporated city or town"

And, as amended, do pass. Report adopted.

SB 144, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AUTHORIZING"
Insert: "REQUIRING"

2. Title, page 1, line 6.
Following: "AWARDS;"
Insert: "PROHIBITING THE DEPARTMENT OF AGRICULTURE FROM APPLYING FOR OR RECEIVING GRANT AWARDS; CLARIFYING ELIGIBLE ADMINISTRATIVE COSTS AND EXPENDITURES SUBJECT TO THE ADMINISTRATIVE EXPENDITURE LIMITATION APPLICABLE TO THE NOXIOUS WEED MANAGEMENT PROGRAM;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 23.
Strike: "may"
Insert: "shall"

4. Page 1.
Following: line 25
Insert: "(e) The department may not apply for or receive grant awards from the noxious weed trust fund."

5. Page 2, line 14.
Strike: "administrative expenses of"
Insert: "costs incurred by"
Strike: "managing"
Insert: "administering"

6. Page 2, line 15.
Strike: "and" through "cost of"
Insert: ". In any fiscal year, the funds used by the department for"
Following: "the program"
Insert: ", including but not limited to personal services costs, operating costs, and other administrative and program costs attributable to the program,"

7. Page 2, line 15 through line 16.
Strike: the second "program" on line 15 through "expenses." on line 16
Insert: "amount expended through grants and contracts made under subsection (4). No additional administrative or other costs may be taken by the department on reverted funds used for future grant awards."

8. Page 2.
Following: line 27
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 1/25/2013
SB 28, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "PRODUCTS;"
Insert: "LEGISLATIVELY OPTING OUT OF CERTAIN UNIFORM STANDARDS;"
Strike: "RULEMAKING AND"

2. Title, page 1, line 9.
Following: "33-1-311"

Strike: ","
Insert: "AND"

3. Title, page 1, line 10.
Strike: "AND 33-22-1103,"

4. Page 18, line 13.
Insert: "Article XVII. State of Montana Opt Out

In accordance with the provisions of Article VII, subsection (4)(b), the state of Montana opts out of all existing and prospective uniform standards involving long-term care insurance products and all existing uniform standards involving individual disability income insurance products in order to preserve the state's statutory and constitutional requirements governing these insurance products."

5. Page 18, line 18 through line 22.
Strike: section 3 in its entirety
Renumber: subsequent sections

6. Page 20, line 17 through line 18.
Strike: "or the" on line 17 through "commission" on line 18

7. Page 20, line 21.
Strike: "or the interstate insurance product regulation commission"

8. Page 22, line 11 through line 16.
Strike: section 7 in its entirety
Renumber: subsequent sections

9. Page 22, line 18.
Strike: "4"
Insert: "3"

10. Page 22, line 19.
Strike: "4"
Insert: "3"

And, as amended, do pass. Report adopted.

MOTIONS

Majority Leader Wittich moved **SB 31** be taken from second reading this date and placed on second reading tomorrow, January 29, 2013. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 176, introduced by Peterson, T. Brown, Larsen, F. Moore, Sesso, referred to Judiciary.
SB 198, introduced by Thomas, Boland, Boulanger, Brenden, Fitzpatrick, Hoven, Jacobson, Larsen, O'Hara, Tropila, Van Dyk, referred to Judiciary.
SB 199, introduced by Thomas, Ballance, Facey, Peterson, referred to Education and Cultural Resources.
SB 200, introduced by Vincent, referred to Fish and Game.
SB 201, introduced by Hamlett, Connell, referred to Natural Resources.
SB 202, introduced by Kaufmann, referred to Highways and Transportation.
SB 203, introduced by Buttrey, Arthun, Brenden, Hamlett, L. Jones, Larsen, Mehlhoff, Price, Taylor, Windy Boy, referred to Education and Cultural Resources.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 4, introduced by Keane, referred to State Administration.
SR 5, introduced by Jent, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 2 - Senator Facey moved **SB 2** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Brenden, Fielder, Ripley, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.

Total 2

SB 109 - Senator Rosendale moved **SB 109** do pass. Motion **failed** as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 109 - Senator Jergeson moved **SB 109** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 45 - Senator Keane moved **SB 45** do pass.

SB 45 - Senator Kaufmann moved **SB 45**, second reading copy, be amended as follows:

1. Page 3, line 1.
Strike: "December 31, 2010"

Insert: "[the effective date of this act]"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 45 - Motion to pass **SB 45** carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Facey, Kaufmann, Malek, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 63 - Senator Blewett moved **SB 63** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 117 - Senator Sonju moved **SB 117** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 21 - Senator Arthun moved **SB 21** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.

Total 2

SB 134 - Senator Brenden moved **SB 134** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Sonju, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 12 - Senator Lewis moved **SB 12** do pass. Motion carried as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Wittich.
Total 27

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale,

Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 43

Nays: Kaufmann, Sesso, Vuckovich, Wanzenried, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 49 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 116 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

SB 123 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Fielder, Sales, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.
Total 2

Vote reflects vote change on motion on the following legislative day.

SJR 6 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy.
Total 42

Nays: Fielder, Moore, Sales, Wanzenried, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Arntzen, Priest.

Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, January 29, 2013, the 19th legislative day. Motion carried.

Senate adjourned at 3:06 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
NINETEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 29, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/29/2013

Correctly printed: **SB 2**, **SB 12**, **SB 21**, **SB 45**, **SB 63**, **SB 117**, **SB 134**, **SB 145**, **SB 176**, **SB 198**, **SB 199**, **SB 200**, **SB 201**, **SB 202**, **SB 203**, **SR 4**, **SR 5**, **SJR 3**, **HB 92**.
Correctly engrossed: **SB 28**, **SB 137**, **SB 144**.
Transmitted to the House: **SB 49**, **SB 116**, **SB 123**, **SJR 6**.

SPECIAL ORDERS OF THE DAY

Senator Brenden introduced Jason DeShaw from Plentywood, Montana, who entertained Senate members.

Senator Taylor introduced this week's pages:

Brian Fox, Helena
Dan Hansen, Helena
Chad Hertz, Belgrade
Austin Schreder, Great Falls
Catherine Warner, Florence

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 1/28/2013
SB 162, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 1/25/2013
SB 18, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "AVULSION;"
Insert: "CREATING A PROCESS TO CLARIFY OWNERSHIP AFTER AN AVULSION OF ABANDONED BEDS OF RIVERS AND STREAMS NOT ADJUDICATED FOR TITLE;"

2. Title, page 1, line 7.
Following: "AMENDING"

Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 77-1-103"

3. Page 1, line 12.
Strike: "**bed of navigable**"

4. Page 1, line 12 through line 13.
Strike: "Subject to" on line 12 through "if a navigable" on line 13
Insert: "If a"

5. Page 1, line 14.
Following: "avulsion"
Insert: "and if the segment of the river or stream where the avulsion occurred has been adjudicated as navigable for title purposes by a court of competent jurisdiction"

6. Page 1, line 22 through line 26.
Strike: "The department" on line 22 through "sale." line 26
Insert: "If the department determines that the new channel was formed by an avulsion and the old channel is abandoned, the department shall recommend to the board of land commissioners that the state and the affected owner exchange quitclaim deeds for the properties affected by the avulsion."

7. Page 1, line 27.
Following: "the board"
Insert: "and the exchange of quitclaim deeds"

8. Page 2, line 1.

Strike: "board approves the transfer or sale"
Insert: "quitclaim deeds are exchanged"

9. Page 2, line 6 through line 7.
Strike: subsection (8) in its entirety
Insert: "(8)(a) If an avulsion occurs on a segment of a river or stream that has not been adjudicated as navigable for title purposes by a court of competent jurisdiction but the department determines that historic evidence exists that the segment of river or stream was navigable at the time of statehood, an owner may seek to clarify title to the property affected by the avulsion.

(b) To seek title clarification, the affected owner shall submit the information to the department as required by subsection (2).

(c) If the department determines that the new channel was formed by an avulsion and that the old channel is abandoned, the department shall recommend to the board that the board issue a disclaimer of interest for the abandoned channel.

(d) Upon approval by the board, the affected owner may cite the disclaimer of interest to

support an ownership claim in a quiet title action filed in a district court.

(e) Upon obtaining a quiet title judgment on the abandoned channel, the affected owner shall notify the department of revenue and the clerk and recorder of the county in which the affected property is located of the change in ownership and submit any information necessary to update the applicable ownership records.

(f) The land constituting the old channel is subject to property taxation payable by the affected owner from the date of the quiet title judgement."

10. Page 2, line 8 through line 9.
Following: "section" on line 8
Insert: ","
Strike: ":" on line 8 through "(a)" on line 9

11. Page 2, line 11 through line 13.
Strike: ";" on line 11 through "jurisdiction" on line 13

12. Page 2, line 16 through line 17.
Strike: "Except as" on line 16 through "2, the" on line 17
Insert: "The"

13. Page 2, line 19 through line 21.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

14. Page 2, line 30 through page 3, line 1.
Following: "section" on line 30
Insert: ","
Strike: ":" on page 2, line 30 through "(a)" on page 3, line 1

15. Page 3, line 1 through line 2.
Following: "over it" on line 1
Insert: "at the low water mark"
Strike: ";" on page 3, line 1 through "[section 1]" on line 2

16. Page 3, line 4 through line 14.
Strike: section 3 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 154, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "LANDS;"
Insert: "REMOVING THE REQUIREMENTS FOR THE ANNUAL TIMBER SALE TARGET;"

2. Page 1, line 20 through line 21.
Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 1/28/2013
SB 122, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 1/29/2013
SB 96, introduced bill, be amended as follows:

1. Page 1, line 23.
Strike: "each calendar year"
Insert: "the fiscal years ending June 30, 2014, and June 30, 2015"

2. Page 2, line 3.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2015"

3. Page 2, line 6.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2014"

4. Page 2, lines 8 and 9.
Strike: "August" on line 8 through "years" on line 9
Insert: "June 15, 2014"

5. Page 2, line 12.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2015"

6. Page 2, line 14.
Strike: "all"
Following: "~~other~~"
Insert: "the"

Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2014"

7. Page 2, lines 16 and 17.
Following: "November 30" on line 16
Insert: ", 2014"
Strike: "following" on line 16 through "years" on line 17

8. Page 2, line 19.
Strike: "each"
Insert: "the"
Following: "year"
Insert: "ending June 30, 2015"

9. Page 2, lines 19 and 20.
Strike: "in" on line 19 through "occur" on line 20

10. Page 2, line 25.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2014"

11. Page 2, lines 27 and 28.
Strike: "August" on line 27 through "years" on line 28
Insert: "June 15, 2014"

12. Page 3, line 1.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2015"

13. Page 3, line 4.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2014"

14. Page 3, lines 6 and 7.
Strike: "August" on line 6 through "years" on line 7

Insert: "June 15, 2014"

15. Page 3, line 14.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2015"

16. Page 3, line 16.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2014"

17. Page 3, line 18.
Following: "November 30"
Insert: ", 2014"
Strike: "following each of those fiscal years"

18. Page 3, line 22.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2015"

19. Page 3, line 25.
Strike: "all"
Following: "~~other~~"
Insert: "the"
Strike: "years in which rate reductions occur"
Insert: "year ending June 30, 2014"

20. Page 3, line 27.
Following: "November 30"
Insert: ", 2014"
Strike: "following each of those fiscal years"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/28/2013

HB 130, introduced by Fitzpatrick
HB 145, introduced by Harris
HB 172, introduced by O'Hara

MOTIONS

Senator Fielder moved to change her third reading vote on **SB 123** from No to Yes. Without objection, so ordered. [Vote change reflected in previous day's journal.]

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 204, introduced by Jent, referred to Fish and Game.
SB 205, introduced by Wanzenried, referred to Judiciary.
SB 206, introduced by Wanzenried, referred to Judiciary.
SB 207, introduced by Van Dyk, referred to Judiciary.
SB 208, introduced by Dick Barrett, Kaufmann, referred to Taxation.
SB 209, introduced by Arthun, Bangerter, referred to Taxation.
SB 210, introduced by Jackson, Augare, Debby Barrett, G. Bennett, Blyton, Boulanger, Brenden, D. Brown, Doane, Edmunds, Fielder, Fiscus, Galt, Halvorson, Hamlett, Kerns, Laszloffy, Lavin, Lenz, Murphy, Redfield, Rosendale, Sales, Salomon, C. Smith, Taylor, Thomas, Warburton, Washburn, Webb, referred to Judiciary.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 9, introduced by Taylor, Lewis, referred to Local Government.
SJR 10, introduced by Windy Boy, Augare, Ballance, Brockie, T. Brown, Buttrey, Hamlett, Hollandsworth, D. Jones, L. Jones, Keane, Pease-Lopez, Ripley, Stewart-Peregoy, Thomas, Vuckovich, referred to Education and Cultural Resources.

The following House bill was introduced, read first time, and referred to committee:

HB 73, introduced by Flynn (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on

second reading, recommend as follows:

SB 31 - Senator Debby Barrett moved **SB 31** do pass.

SB 31 - Senator Peterson moved **SB 31**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "EXISTING"

2. Page 3, line 8 through line 9.
Strike: "an" on line 8 through "existing" on line 9
Insert: "a"

3. Page 3, line 9.
Strike: "before"
Insert: "after"
Strike: "2005"
Insert: "2013"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sonju, Thomas, Tutvedt, Van Dyk, Vincent, Webb.
Total 30

Nays: Augare, D. Brown, Caferro, Facey, Fielder, Jergeson, Kaufmann, Phillips, Priest, Sales, Sesso, Stewart-Peregoy, Taylor, Tropila, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 31 - Senator Debby Barrett moved **SB 31**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 109 - Senator Rosendale moved **SB 109** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jent, Lewis, Moore, Murphy, Peterson, Phillips, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Ripley, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 108 - Senator T. Brown moved **SB 108** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 46

Nays: Blewett, Priest, Vincent, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 94 - Senator D. Brown moved **SB 94** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Caferro, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 104 - Senator Webb moved **SB 104** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136 - Senator Larsen moved **SB 136** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr.

President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 158 - Senator Thomas moved **SB 158** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 40 - Senator Buttrey moved **SB 40** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 48 - Senator Jergeson moved **SB 48** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: Fielder, Moore, Priest, Rosendale, Sales, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 77 - Senator Brenden moved **SB 77** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 47

Nays: Tutvedt, Webb, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 101 - Senator Facey moved **SB 101** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Arntzen, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 132 - Senator Jergeson moved **SB 132** do pass. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Arntzen, Arthun, Barrett Debby, Brenden, D. Brown, Buttrey, Fielder, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Vincent, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 133 - Senator Rosendale moved **SB 133** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 45

Nays: Kaufmann, Malek, Stewart-Peregoy, Wanzenried, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 20 - Senator Ripley moved **HB 20** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jent, Lewis, Priest, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 25 - Senator L. Jones moved **HB 25** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 42 - Senator Driscoll moved **HB 42** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips,

Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 2 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso,

Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Boulanger, Brenden, Fielder, Priest, Sales, Sonju, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 45 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Facey, Kaufmann, Malek, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 63 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 117 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 21 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 134 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 12 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Jackson, Jent, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich.
Total 33

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

MOTIONS

Senator Wittich moved **SB 108** and **SB 136** be moved to the Finance and Claims committee. Without objection, so ordered.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, January 30, 2013, the 20th legislative day. Motion carried.

Senate adjourned at 3:03 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 30, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 1/29/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixth through tenth legislative days, find the same to be correct.

Correctly printed: **SB 40**, **SB 48**, **SB 77**, **SB 94**, **SB 101**, **SB 104**, **SB 109**, **SB 122**, **SB 132**, **SB 133**, **SB 158**, **SB 162**, **SB 204**, **SB 205**, **SB 206**, **SB 207**, **SB 208**, **SB 209**, **SB 210**, **SJR 9**, **SJR 10**, **HB 20**, **HB 25**, **HB 42**.
Correctly engrossed: **SB 18**, **SB 31**, **SB 96**, **SB 154**.
Transmitted to the House: **SB 2**, **SB 12**, **SB 21**, **SB 45**, **SB 63**, **SB 117**, **SB 134**.

The Senate recessed for the purpose of party caucuses and reconvened at 1:22 p.m.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/29/2013
SB 20, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "REQUIRING A REGISTRATION FEE;"

2. Page 1, line 7.
Following: "COMPANIES;"
Insert: "DEFINING "DIRECT SELLING ASSOCIATION";"

3. Title, page 1, line 10.
Strike: "30-10-209,"

4. Page 1, line 17.
Following: "is"
Insert: ":
(a)"
Following: "section" on line 17
Insert: "; or
(b) a member of the direct selling association"

5. Page 1, line 19.
Strike: "and payment" through "30-10-209"
Following: "."
Insert: "An application must be submitted to the department by certified mail."

6. Page 1, line 20.
Following: "shall"
Strike: "make"
Insert: "issue an order making"

7. Page 1, line 29.
Strike: "and by payment" through "30-10-209"
Following: "."
Insert: "The renewal application must be submitted to the department by certified mail."

8. Page 2, line 15.
Following: ";"
Insert: "or"

9. Page 2, line 16 through 19.
Following: "section" on line 16
Strike: "; or" on line 16 through "corrected" on line 19

10. Page 2, line 21 through page 4, line 5.
Strike: section 2 in its entirety
Renumber: subsequent sections

11. Page 6, line 14.
Following: the first "a"
Insert: "person,"
Following: "security"
Insert: ","
Following: "or"
Strike: "a"

12. Page 6, line 20.
Strike: "30-10-209,"

13. Page 7.
Following: line 3
Insert: "(3) "Direct selling association" means the nonprofit entity incorporated in the state of Delaware and recognized by the department as the direct selling association."
Renumber: subsequent subsections

14. Page 7, line 25.
Strike: "(6)(c)(v)"
Insert: "(7)(c)(v)"

15. Page 8, line 18.
Strike: "(6)(c)(v)"
Insert: "(7)(c)(v)"

And, as amended, do pass. Report adopted.

SB 103, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 1/30/2013
SB 148, introduced bill, be amended as follows:

1. Page 1, line 12 through line 13.
Strike: "in an amount" on line 12 through "prior to" on line 13
Insert: "for a period not to exceed 2 years from"

2. Page 1, line 15 through line 16.
Strike: subsection (1)(b) in its entirety
Renumber: subsequent subsections

3. Page 1, line 17.
Strike: "and unemployment benefits"

And, as amended, do pass. Report adopted.

SB 172, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 1/29/2013
SB 161, introduced bill, be amended as follows:

1. Page 2, line 15.
Following: "limits."
Insert: "If the special limits apply to a school zone, the department shall consider the use of electronic signs in lieu of or in addition to other appropriate signs."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/28/2013
HB 130, introduced by Fitzpatrick
HB 145, introduced by Harris

HB 172, introduced by O'Hara

House bills passed and transmitted to the Senate for concurrence: 1/29/2013
HB 138, introduced by Hertz
HB 169, introduced by White
HB 193, introduced by Hagan
HB 202, introduced by Hagan
HB 243, introduced by Wilson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 211, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.
SB 212, introduced by Hamlett, Blewett, Mehlhoff, referred to Business, Labor, and Economic Affairs.
SB 213, introduced by Larsen, Augare, Blewett, Boulanger, Dudik, Eck, Fielder, Gursky, Lieser, Lynch, McNally, Murphy, Peppers, Swanson, Vincent, Webb, Wilson, referred to Judiciary.
SB 214, introduced by Phillips, referred to Natural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 11, introduced by D. Brown, Arthun, Augare, G. Bennett, Blasdel, Blewett, Blyton, Buttrey, Cuffe, Driscoll, Facey, Hertz, Jackson, Keane, Kerns, Larsen, Lavin, Lenz, Lieser, Miller, Olson, Regier, Sesso, C. Smith, Sonju, Stewart-Peregoy, Taylor, Van Dyk, Wanzenried, Webb, Windy Boy, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 17, introduced by Hill (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 40, introduced by Dudik (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
HB 47, introduced by McClafferty (by request of the Education and Local Government Interim Committee), referred to Local Government.
HB 52, introduced by Lieser (by request of the Department of Agriculture), referred to Education and Cultural Resources.
HB 55, introduced by Knudsen (by request of the Public Service Commission), referred to Highways and Transportation.
HB 58, introduced by Noonan (by request of the Department of Revenue), referred to Business, Labor, and Economic Affairs.
HB 60, introduced by Berry (by request of the Economic Affairs Interim Committee), referred to State Administration.
HB 65, introduced by Pomnichowski (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.

HB 107, introduced by Lynch (by request of the Public Defender Commission), referred to Judiciary.
HB 114, introduced by Clark (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
HB 116, introduced by Eck (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
HB 117, introduced by Eck (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
HB 118, introduced by Eck (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
HB 137, introduced by Dudik (by request of the Department of Justice), referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Augare in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 132 - Senator Murphy moved **HB 132** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 139 - Senator Murphy moved **HB 139** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt,

Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 165 - Senator Caferro moved **SB 165** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 113 - Senator Blewett moved **SB 113** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 145 - Senator F. Moore moved **SB 145** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 35

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Jent, Jergeson, Kaufmann, Keane, Larsen, Sesso, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Windy Boy.
Total 15

Paired: Olson, Aye; Jent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 146 - Senator Buttrey moved **SB 146** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 28 - Senator Thomas moved **SB 28** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones,

Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SJR 3 - Senator Murphy moved **SJR 3** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Brenden, Moore, Ripley, Sonju.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 21 - Senator Buttrey moved **HB 21** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.

Total 0

Excused: Jent.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Augare moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 109 failed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 94 passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Caferro, Fielder, Hamlett, Jackson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Driscoll, Facey, Jergeson, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 104 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 158 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Sales, Sonju, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 40 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 48 passed as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 35

Nays: Arthun, Barrett Debby, D. Brown, Fielder, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 77 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 43

Nays: D. Brown, Caferro, Sales, Tutvedt, Webb, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 101 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Arntzen, Ripley, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 132 passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 33

Nays: Arntzen, Barrett Debby, Brenden, D. Brown, Fielder, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 133 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 44

Nays: Kaufmann, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 20 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 35

Nays: Arntzen, Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 25 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 42 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

MOTIONS

Senator Windy Boy moved to change his vote on **SB 40** from No to Yes. Without objection, so ordered.

Senator Wittich moved the Senate recess until 6:40 p.m.. Motion carried.

Senate recessed at 2:28 p.m.

Senate reconvened at 6:45 p.m.

MOTIONS

Majority Leader Wittich moved the Senate recess and proceed to the House of Representatives for a joint session for the purpose of hearing the State of the State address from the Honorable Steve Bullock, Governor of the State of Montana. Upon adjournment of the joint session, the Senate would adjourn until the hour of 1:00 p.m., Thursday January 31, 2013, the twenty-first legislative day. Motion carried.

The Senate was welcomed into the House of Representatives, President Essmann assumed the chair.

Majority Leader Wittich moved the body resolve itself into a joint session for the purpose of receiving the State of the State address from the Honorable Steve Bullock, Governor of the State of Montana. Motion carried.

Majority Leader Wittich moved the President be authorized to appoint a committee of four to notify Governor Bullock that the body was in joint session and ready to receive his address. Without objection, President Essmann appointed Senators Taylor Brown and Gene Vuckovich, and Representatives Dave Hagstrom and Margie MacDonald to escort Governor Bullock into the chamber.

President Essmann introduced Governor Steve Bullock who gave the following address:

*****

Lieutenant Governor Walsh, Mr. President, Mr. Speaker, Members of the 63rd Legislature, and honored members of the judiciary. My fellow statewide officials, tribal leaders, members of the Cabinet, and my fellow Montanans. My wife Lisa, our three children, Caroline, Alex and Cameron.

My name is Steve and I work for the state. I, like my 12,000 coworkers, arrive at the job site each day to serve the people of Montana. It is an honor and pleasure to be the public servant entrusted with delivering this address. Any change of administration naturally brings change to the Governor's mansion--changes in substance, style, and perspective.

With the Bullocks moving into the neighborhood, some of that change is unavoidable. It's been 40 years since the predominant noise emanating from the Governor's mansion has been the sound of young children--children playing, laughing, just being kids. That noise will be a daily reminder to me . . . and I hope to all of us . . . of the reason we were sent here. Montana voters sent us here to make all our children's and grandchildren's futures brighter, more hopeful and more prosperous here in the state of Montana.

If we are genuine in our concern for our children's future, we'll be as careful with the state's money as we teach our children to be with theirs. If we accept that this is more about their generation than ours, we will enter this building every day committed to creating even greater opportunities than we had.

If we are truly committed to making our children's future brighter, we will invest in our education system. From before they enter kindergarten to the time they leave higher education, we must prepare them to succeed in a 21st century economy. And if we are sincere in our concern for the next generation, how we deal with one another matters, not only during this session but also throughout the campaigns that bring us to these positions of public trust. Every day, our kids watch what we do and learn from our example.

Members of the 63rd Legislature, I ask you to join me. What I ask of you tonight is simple and straightforward: First, be responsible with our budget, because I won't allow you to spend more than we take in or make cuts that undermine our long-term stability. Second, join me in focusing on creating jobs, investing in education, and making government more effective; and lastly, act in a manner that we're not ashamed to have our children watching...because they are.

I am taking these principles to heart, and we've hit the ground running to create better jobs, better schools and a more effective government.

A company recently came to the state of Montana and said they'd like to locate a manufacturing facility in Great Falls, but they needed a workforce ready for the high-tech welding and fitting they do. These high-paying jobs are exactly the kind that Montana should be attracting. That's why we've already been working with Great Falls College. They will begin training workers to fill these jobs, and this company is now committed to investing in the Electric City.

As part of this new program, we'll also ensure that students at the high schools in Great Falls can graduate with the certificates that will make them attractive candidates for these great jobs.

Not only is that better jobs, but it's better schools, too.

I've pledged to bring a more effective government to Montana--and we're doing that already, too. This Thursday, for the first time ever, Montana's checkbook will be online. We'll have a searchable database so that any Montanan, or anyone in the world, for that matter, can look at how we are spending the taxpayers' money. It's the right thing to do and it'll lead to a more effective government.

While there are some things I can accomplish without your active engagement and partnership, there are other areas where we need each other if we are going to make progress.

Crafting a budget is one of those areas where we need each other. Montana is the envy of other states: our unemployment is lower and our economy sounder. While nearly every other state's budget is awash in red ink, thanks to good fiscal management, Montana has amassed a half-billion-dollar budget surplus.

Our state is strong and we're growing stronger. To continue improving our position, Montanans want us to take a balanced approach: Let's save some, invest some and give some back.

Saving some ought to be simple. I have asked that you leave this legislative session with a rainy day fund, enough money in the bank so I don't have to call the legislature back to Helena eight months or a year from now.

That means that we're going to have to prioritize, just like families do in your districts. Our priorities must start with addressing the essential services Montanans need and the long-term liabilities those before us created. Keep in mind that if I pull out my veto pen, it might not be personal, it might just be fiscal.

We can also invest some. I ask you to join me in prioritizing job creation, education and a more effective government. The first step you should take in creating jobs and investing in education is to put politics aside and pass the J.O.B.S. Bill. Montanans have earned a reputation for working harder than our counterparts in any state in the country. The quality of our workers attracts businesses to invest here.

But we can't expect to develop a 21st century workforce in 20th century conditions. The next generation of plumbers and welders, nurses and imaging techs, diesel mechanics and carpenters are learning their trades in substandard facilities. The Missoula College was built in 1956 for 700 students and now has an enrollment approaching 3,000.

Last week I visited the Automotive and Diesel Program at Havre. It has 200 students, a 100% placement rate, and some graduates earn a starting salary better than a Governor. But without our investment, this program cannot grow. And it's not just Missoula and Havre; many of our facilities are outdated and operating beyond their capacity. The young Montanans who are willing to invest in higher education deserve better.

That's why Representative Galen Hollenbaugh and I, along with the Montana Chamber of Commerce, the Montana Contractors Association and others, have joined together to propose record investments in our educational facilities.

It's called the J.O.B.S. Bill, which stands for Jobs and Opportunity by Building Schools. We can take advantage of historically low interest rates and immediately create thousands of jobs across the state, and do it without raising taxes.

Stand with me and the over 2,500 construction workers we want to put to work building world

class schools for our world class workforce. And while we are at it, let's make sure that those 2,500-plus construction workers newly employed by the J.O.B.S. Bill are our friends and neighbors.

Right now, we have a law on the books that is supposed to require that at least half of the workers on any construction project funded by state or local tax dollars be Montana residents, but it's riddled with loopholes and not enforceable. When taxpayer money is funding a project, let's put Montana companies and Montana workers first.

Let's work together to close these loopholes and expand this requirement to all projects, not just construction. And let's also significantly increase the proportion of Montana workers required on any state or locally funded project. I hope you will join Representative Amanda Curtis and me to pass this measure so we can put more money into the hands of Montana businesses and create more jobs for Montana workers.

And as we put Montana companies and workers first, we must not forget the First Montanans. In my budget I proposed full funding for Indian Country Economic Development. I also insisted that the funding become permanent, so year after year American Indians don't have to come, hat in hand, asking for these job-creating funds. Unfortunately, in the first few weeks of this legislature, that funding has already been cut in half. I ask that this body--if you're serious about job creation for all Montanans--restore full funding for Indian Country Economic Development and make that funding permanent.

Investing in our students and educational institutions requires more than bricks and mortar that are in our J.O.B.S. Bill. For generations, the quality of our education system has been recognized as the key to economic growth and job creation. But our public schools are even more than that--they are, truly, the great equalizer. Regardless of where we are born or how wealthy our parents are, our public schools open the doors of opportunity to all Montanans. They even helped a kid who couldn't, and still can't, sit still become the Governor of the greatest state in the country!

As the father of a fifth and second grader, and a kindergartner, no issue is more important to me than extending the opportunities afforded by a good education to Montana's next generation. Our schools and the incredible teachers who educate our kids give us much to celebrate. Montana 8th graders outperform every other state in the nation in reading and math, and are second in science. Our high school graduation rates are up and our dropout rates are down. And we are increasing the rate at which Montana residents are getting college degrees faster than any other state in the nation.

But we're not done. It's not where we start, but where we finish. We know an educated workforce is the foundation for a prosperous economy. So let's commit to increasing the number of Montana adults with a post-secondary degree or professional certificate to at least 60 percent over the next decade. Given that we are now at about 40%, this is an ambitious goal. The future of this state will be shaped by whether we rise to meet it, and I have asked the Commissioner of Higher Education to join me in committing to this goal. And I ask the same of you, because we can't do this without you.

I have included proposals in this budget that move us in this direction.

- Offering college classes to more high school students will help them recognize that higher education is within their reach and will give them a jump start on earning college credits. That's why I am asking that you help our two-year colleges expand and enhance dual credit programs.

- If a student starts at Dillon they shouldn't have to reapply and get different financial aid packages if they choose to take classes at or transfer to Butte. We can make it easier for students by creating a universal enrollment system, so students at Miles Community College have access to courses at Montana State University, and so we can also bridge the hundreds of miles between rural Montana and our universities.

- We aren't going to produce more college graduates if the cost of college is beyond the reach of Montana families. Let's not kid ourselves --as cautious as this body is about raising taxes, when tuition increases because higher education isn't adequately funded, that's a tax on tens of thousands of working families across our state. My budget includes an agreement to freeze tuition across the university system. I urge you to honor it.

- Many college students today have recently returned home from serving our country in the armed forces. These soldiers, sailors, marines, airmen and women must know that our state will do everything we can to help them succeed. This morning, I went to the airport and welcomed home 45 soldiers from the Montana National Guard who had just spent a year in Afghanistan. I told them our commitment was strong and Lt. Gov. Walsh and I would ensure that we live up to the promise all of us made the day they signed up.

That's why I asked this legislature to invest in our university system and make certain that we are providing the services and the space to meet veterans' needs--the wraparound services that will reintegrate these heroes back into civilian life and on our college campuses. When I got back from the airport, I found out that, while I was gone, a legislative committee cut the funding for these critical services for returning vets. I urge you to restore these funds, live up to the promises we've made and welcome these warriors home with more than just words.

If we are serious about training tomorrow's workers, our commitment must begin not when our kids first enter college or the workforce, but rather when they first enter the world. We can't wait until kindergarten before we take an interest. The evidence is compelling: every dollar we invest in early childhood education returns up to $9 to our communities. Early learning programs work. Children involved in early education do better in math and English, are much more likely to graduate from high school, and are a third less likely to be arrested as a juvenile.

Unfortunately, Montana is dead last in the nation--50th out of 50--in state investment in early childhood education. That's unacceptable. We can't expect the federally funded Head Start program to carry the entire burden. Some local communities have stepped in to make sure these youngsters are given a better chance. Great Falls saw that a modest investment in pre-K programs led to a dramatic shift in kindergarten readiness, setting these students, and our state, on a much better path for the future. Other communities have seen the same.

As a first step, I urge this body to expand the proven "Stars to Quality Program" and make the long overdue investment in school readiness. I've laid out a plan that will create 100 more high-quality early childhood programs, getting 600 more families and 1,000 more children ready for school, annually. It's a proven high-return investment that will produce long-lived benefits for the students and our economy.

And our commitment and investment must continue throughout their schooling.

In the 1980s, voters created the Montana Lottery specifically to help fund Montana schools. But, by the 1990s, the legislature began raiding that fund for non-education projects. It's time we did right by our bosses and their kids. I ask for your support of my proposal to return the profits from the Lottery to the public schools they were intended to support.

My budget also includes additional funding for the highly successful Jobs for Montana's Graduates program. I first learned about this program from former Governor Marc Racicot, who brought the program to Montana. The graduation rate for at-risk teens involved in this program is an amazing 98%. The vast majority of these graduates then go on to jobs, military service, or higher education. After just 14 months on the job, the taxes these kids pay has already repaid the cost of their participation in the program.

Technology has pushed Montana into a global marketplace, but far too many of our schools are lagging behind. The phones in our pockets have better Internet access than many of the classrooms in our state. That's why I also support further investing in our schools, and using state resources to help school districts modernize and acquire today's technology.

We can and we will work together to invest in and improve our public schools. In making even modest investments in early childhood education and technology improvements for our schools, I am asking that you look beyond the immediate, beyond this session or even the length of time you and I will be entrusted with serving the public. It isn't always easy investing now for later returns, but that's what leaders do. I'm asking you to look beyond the immediate in other areas, too, including transforming the way we deliver healthcare, so we can create jobs and take care of those who need our help the most.

To have a healthy economy, we need healthy citizens. For those of us with health insurance, we're paying too much and getting too little. And for the tens of thousands of Montanans who don't have insurance, the emergency room has become a primary care facility, pushing costs for all of us even higher. The fact is, subsidizing expensive ER care for the uninsured costs Montanans $300 million a year. That makes no sense when there is a smarter, cheaper way to provide better care.

Through Access Health Montana, we are proposing a made-in-Montana solution designed to increase coverage and access to health care for more Montana families. It will also create a patient-centered delivery system that focuses on coordinating care and improving health, rather than simply treating illness. Implementing these measures will allow us to better control and ultimately lower the costs of health care--slowing the annual rate hikes that hit all of our wallets.

This is an opportunity to reduce costs and expand access to quality care for nearly 70,000 more Montanans. And it's more than that. Access Health Montana will create more than 5,000 new jobs next year alone, by bringing millions of dollars of new economic activity to Montana. It will cut costs by improving preventative care and because those with insurance are more likely to visit a doctor instead of a high-cost hospital emergency room.

Medicaid expansion is federally funded, so if Montana doesn't expand its Medicaid program, then our tax dollars will be used to help patients in states like Arizona, Nevada and North Dakota--states where Republican Governors are leading the effort to expand Medicaid. Let me make this point abundantly clear: if we fail to act, Montana taxpayer dollars will be used to provide health care to the citizens of states thousands of miles away, while our rates will continue to go up year after year.

It's time we set the politics aside on this issue. Politics won't treat diabetes. Extremism won't create jobs. And intransigence won't provide health care for those who can't afford it. Under Access Health Montana, I also propose increasing by 25 percent the number of seats in the WWAMI program, which allows Montana medical students to attend medical school with other students from the Northwest. This program has been extremely successful in encouraging doctors to come back to our cities, towns and rural areas to practice. But there hasn't been an increase in the number of positions open to our students through WWAMI in over two decades.

Tonight, I ask each and every member of this legislature to take the longer view, and lead the way by focusing on the health and welfare of our neighbors. Let's work together to put Montanans first and use their hard-earned tax dollars wisely.

It's that same longer view that will allow Montana to help lead America to energy independence. With the responsible development of our coal, wind, oil and gas, hydropower, biofuels and geothermal capacity, we are creating jobs and strengthening our rural economies.

But for some communities in Eastern Montana, the rapid growth associated with the energy boom is creating immediate infrastructure problems. That's why I've proposed creating a grant program for communities affected by oil and gas development. I ask that we invest $15 million dollars in providing matching funds to affected cities and towns that do not get a share of the increased revenues that county governments and school districts receive from oil and gas development.

We must also meet our responsibility to fix a long-term problem created by our predecessors. I have outlined a detailed plan that will shore up our retirement systems and do so without raising taxes.

I look forward to working with this body to ensure we craft a plan that honors our commitment to Montana's public servants--a plan that doesn't go back on the promises we made to the snowplow drivers, prison guards, teachers and other middle-class workers who are our friends and neighbors.

As I've already described to you, saving some for a rainy day is simple. I also believe that we can wisely invest our resources to create jobs and improve education.

Giving some back ought to be equally simple. I believe we're more likely to create jobs if we invest in working families, small businesses, farmers and ranchers, and students. In my book, an investment on Main Street is an investment that will pay off, right here in Montana.

Some disagree with me. They believe we'd be better off if we focused on helping multi-national corporations that have their headquarters in Pennsylvania, a PO Box in Delaware, bankers on Wall Street, and lobbyists in Helena and Washington.

Don't get me wrong; other than when they're spending their shareholders' money in our elections, I like the out-of-state corporations that are investing in, and employing, Montanans. I welcome them and want to work with them to create jobs and invest in our state.

But when Montana is already ranked as having one of the country's best tax climates for business, let's never allow misinformation to be the motivation for missteps--let's evaluate tax rebates and cuts with our eyes wide open.

I propose returning $100 million back to the pockets of Montana homeowners. I recognize that others have suggested we should use that $100 million and provide property tax cuts, instead. The difference between the tax rebate and tax cut is simple: who stands to benefit?

Giving $100 million back in the form of a tax rebate will return $400 to everyone with their primary residence in the state. When you put a check in the hands of Montana taxpayers, they're going to take that money downtown and spend it at the small businesses along our Main Streets.

If you take the $100 million and use it to cut property taxes, instead, the average Montana homeowner would receive just $44 this year, not $400. Think about that--it will take 10 years for the taxpayer to get as much money back as they'll get this year with the rebate. Yet, if you are a company like PP&L, the proposed tax cut would reward you with over $1 million this year alone, 23-thousand times more than what the average homeowner would receive.

If we consider who stands to benefit from our actions, the path we should take becomes clear. We have the opportunity to return money to hardworking Montanans and create $100 million dollars of economic activity in Montana. This rebate won't blow long-term holes in our budget and it won't saddle future legislatures, or future generations, with the Washington, D.C.-style deficits that Montana has avoided during this recession. Let's not miss this chance.

The same goes for cuts to the Business Equipment tax, which is a tax on the market value of equipment a business owns. The last legislature reduced this tax rate, across the board, for every company in the state. Let's take the next step and eliminate that tax for 11,000 Montana businesses--two-thirds of the companies that pay it.

Doing so will directly benefit the Main Street businesses in your communities. The Parrot Confectionary has been making and selling candy on Last Chance Gulch in Helena since 1922. Under my proposal, the Parrot would no longer pay this tax. Chinook Windows in Great Falls manufactures and distributes windows made for the harsh Montana climate. They can use the business equipment tax dollars they've been paying to further invest in their business. Under my proposal, the Iron Horse in Missoula would also have a little more breathing room in their bottom line.

From manufacturers to restaurants and taverns to service providers, 11,000 Montana businesses will no longer pay this tax, freeing up thousands of dollars they can invest in their businesses or employees. We have the opportunity to stand with the vast majority of small and medium sized businesses in this state--let's not miss that chance.

As we focus on creating jobs, investing in education and making government more effective, let's behave in a manner that will make our children proud. I have already been trying to change the tone in the halls of this building. I hope you'll join me in doing so.

I hope you will also help me preserve the integrity of our elections.

One hundred years ago, our ancestors came together, not as Democrats or Republicans, but as Montanans, to take control of their destiny. Those forward-thinking Montanans knew that our elections, the cornerstone of our democracy, should be about our principles, our ideas, our beliefs and our plans for the future. Our campaigns should be vigorous debates about the problems we face and the opportunities that lie ahead.

And they knew that our government should be about the people--lending a hand to those who need it, bettering this place we love, ensuring that the next generation has opportunities even greater than we enjoy. Since then, our leaders have always been our friends and neighbors, and they have looked out for our interests. In the century following the passage of the Corrupt Practices Act, Montana has benefitted from a strong citizen democracy.

In the past several years, however, more money than ever before has been spent on political campaigns--both at the national level and in Montana. As Attorney General, I fought to preserve our citizen democracy and stem the tide of this corporate money in our elections.

We have seen the rise of so-called "dark money" groups that target candidates, yet refuse to tell the voting public who they really are and what they really represent. They hide behind made-up names and made-up newspapers. They operate out of PO Boxes or Washington, D.C. office buildings. They falsely proclaim themselves the guardians of Montana's traditions.

These groups believe they can violate our laws and corrupt our government in order to create a system that benefits their special interests. Montanans deserve better. The entire nation is looking to us to continue our fight to preserve our citizen democracy. We can show those who believe elections can be bought and sold what democracy really means--government of the people, by the people and for the people.

Help me reform our laws, so that any organization spending money during the course of an election reveals the amount it spends and the source of its money. Help me make sure that, as voters and as investors, we know who is spending and how much. Together, let's guarantee that our elections will never be auctions, controlled by anonymous bidders. We owe nothing less to our ancestors who reformed our government a century ago and we owe nothing less to our kids who will inherit the government we run today.

There's an old saying - if you don't know where you're going, any road will get you there. But we know where Montana must go: better jobs, better schools, a more effective government.

We have a lot of work to do, but tremendous opportunities lie ahead. Let's use our time in office wisely. Let's build on, but not be constrained by, the progress of the past. Let's be resolute in keeping our focus forward and to the future. At the end of any one of our terms. . . yours or mine. . . we will be measured by the progress we have made. And the true measure will be taken not by the politicians or pundits, but by our children. Let us not forget that it is to them we are most accountable.

God Bless Montana's children and families, God Bless Montana, and God Bless America. Thank you.

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President Essmann thanked Governor Bullock and directed the committee of four to escort the Governor from the chamber.

Majority Leader Wittich moved the joint session be adjourned. Motion carried. The joint session was adjourned at 7:50 p.m.

The Senate is adjourned until 1:00 p.m., Thursday, January 31, the twenty-first legislative day.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 31, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SB 28**, **SB 103**, **SB 113**, **SB 145**, **SB 146**, **SB 165**, **SB 172**, **SB 211**, **SB 212**, **SB 213**, **SB 214**, **SJR 3**, **SJR 11**, **HB 21**, **HB 132**, **HB 139**.
Correctly engrossed: **SB 20**, **SB 148**, **SB 161**.
Transmitted to the House: **SB 40**, **SB 48**, **SB 77**, **SB 94**, **SB 101**, **SB 104**, **SB 132**, **SB 133**, **SB 158**, **HB 20**, **HB 25**, **HB 42**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 1/30/2013
SB 11, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "SENTENCING AND COMMITMENT,"

2. Title, page 1, line 9.
Strike: "46-14-301, 46-14-302, 46-14-312,"

3. Page 1, line 23.
Following: "through"
Insert: "annual"

4. Page 1, line 23 through line 24.
Strike: "Two" on line 23 through "services." on line 24
Insert: "One member must be a mental health professional as defined in 53-21-102."

5. Page 5, line 4 through page 9, line 28.
Strike: sections 5 through 7 in their entirety
Renumber: subsequent sections

6. Page 10, line 14 through line 15.
Strike: "Except" on line 14 through ", a" on line 15
Insert: "A"

7. Page 10, line 28 through line 29.
Strike: "and confined" on line 28 through "disabilities facility" on line 29

And, as amended, do pass. Report adopted.

SB 27, do pass. Report adopted.
SB 159, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 1/30/2013
SR 3, introduced resolution, be amended as follows:

1. Page 1, line 12.
Strike: "commends the Commission for establishing"
Insert: "recognizes that the Commission established"

2. Page 1, line 13.
Following: "and"
Insert: "commends the Commission"

3. Page 1, line 20 through line 23.
Strike: lines 20 through 23 in their entirety

4. Page 1, following line 26.
Insert: "WHEREAS, pairing House Districts 75 and 78 results in a Senate District that is primarily rural in nature and pairing House Districts 73 and 76 and House Districts 74 and 77 results in two Senate Districts that are tied together by common interests, including the historical copper mining industry; and"

5. Page 1, line 30 through page 2, line 2.
Strike: "WHEREAS," on page 1, line 30 through "voters; and" on page 2, line 2

6. Page 2, line 10 through line 13.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

7. Page 2, line 18.
Following: "reassign"
Strike: "the following" through "include"
Insert: "Senator Webb from Senate District 23 to Senate District 22, which includes"

8. Page 2, line 19.
Strike: "they were"
Insert: "he was"
Following: "elected"
Strike: ":"
Insert: "."

9. Page 2, lines 20 and 21.
Strike: subsection (a) through subsection (b) in their entirety

And, as amended, be adopted. Report adopted.

HB 34, be concurred in. Report adopted.
HB 51, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 1/30/2013
SB 138, do pass. Report adopted.
HB 35, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/30/2013

HB 91, introduced by Lynch
HB 122, introduced by B. Bennett
HB 123, introduced by Regier
HB 127, introduced by Berry
HB 162, introduced by Flynn
HB 199, introduced by Noonan

MOTIONS

Senator Ripley moved the Senate suspend the rules for the purpose of taking **SB 108** and **SB 136** from the Finance and Claims Committee and placing them on third reading on the next legislative day. The motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Wanzenried.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Buttrey moved to take **SB 23** off of second reading this date and move it back to the Local Government Committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 215, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.
SB 216, introduced by Tutvedt, referred to Agriculture, Livestock and Irrigation.
SB 217, introduced by Hamlett, Connell, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Priest in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 162 - Senator Keane moved **SB 162** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 83 - Senator Murphy moved **SB 83** do pass.

SB 83 - Senator Van Dyk moved **SB 83**, second reading copy, be amended as follows:

1. Page 3.
Following: line 22

Insert: "(8) The provisions of this section do not apply to the transplantation of mountain sheep by the department to:
(a) augment an existing population:
(i) that is below objective; or
(ii) to provide genetic diversity; or
(b) restore mountain sheep to an area that has experienced significant mortality due to disease."

Amendment adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Priest, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Arntzen, Arthun, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Ripley, Rosendale, Sonju, Taylor, Tutvedt, Vincent, Webb.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 83 - Senator Van Dyk moved **SB 83**, second reading copy, be amended as follows:

1. Page 3.
Following: line 25
Insert: "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Brenden, D. Brown, T. Brown, Fielder, Ripley, Sonju, Taylor.

Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 83 - Senator Murphy moved **SB 83**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Barrett Dick, Driscoll, Facey, Jent, Kaufmann, Phillips, Sesso, Wanzenried.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 147 - Senator Buttrey moved **SB 147** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 137 - Senator Olson moved **SB 137** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 31

Nays: Augare, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Sales, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 154 - Senator Vincent moved **SB 154** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 122 - Senator Facey moved **SB 122** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 92 - Senator Driscoll moved **HB 92** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Priest moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Kaufmann, Phillips.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 31 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 132 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 139 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 165 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 113 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr.

President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 145 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 37

Nays: Augare, Barrett Dick, Blewett, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Sesso, Stewart-Peregoy, Tropila, Wanzenried, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 146 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 28 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: D. Brown, Sales, Sonju.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 3 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Brenden, D. Brown, Moore, Ripley, Sonju.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 21 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Sales, Sonju, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Dick Barrett moved to change his vote on **SB 145** from Yes to No. Without objection, so ordered.

Senator Jent moved to change his vote on **SB 31** from Yes to No. Without objection, so ordered.

Senator Vuckovich moved to change his vote on **SB 31** from No to Yes. Without objection, so ordered.

Senator Malek moved to change her vote on **SB 31** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, February 1, 2013, the twenty-second legislative day. Motion carried.

Senate adjourned at 2:51 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 1, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/1/2013

Correctly printed: **SB 27**, **SB 108**, **SB 122**, **SB 136**, **SB 137**, **SB 138**, **SB 147**, **SB 154**, **SB 159**, **SB 162**, **SB 215**, **SB 216**, **SB 217**, **HB 34**, **HB 35**, **HB 51**, **HB 92**.
Correctly engrossed: **SB 11**, **SB 83**, **SR 3**.
Transmitted to the House: **SB 28**, **SB 31**, **SB 113**, **SB 145**, **SB 146**, **SB 165**, **SJR 3**, **HB 21**, **HB 132**, **HB 139**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/1/2013
SB 173, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "AND RESERVES"
Following: "GENERATED BY"
Insert: "INCOME ON"

2. Page 3, line 14.
Strike: "and reserves"

3. Page 4, line 19.
Strike: "and reserves"

4. Page 5, line 2.
Following: "1990"
Insert: ", and all funds to pay for those claims must be paid from the state fund's equity or surplus as that term is used in 39-71-2323"

5. Page 5, line 13.
Strike: "and reserves"

And, as amended, do pass. Report adopted.

HB 56, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 1/31/2013
SB 164, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "MODIFYING" on line 5 through "REQUIREMENT;" on line 7

2. Title, page 1, line 8.
Strike: "SECTIONS" through the first "AND"
Insert: "SECTION"

3. Page 1, line 13 through page 4, line 13.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 4, line 18.
Following: "utilities"
Insert: ", except as provided in subsection (13),"

5. Page 4, line 23.
Following: "utility"
Insert: ", except as provided in subsection (13),"

6. Page 4, line 25.
Strike: "Except" through "beginning"
Insert: "Beginning"

7. Page 5, line 1 through line 4.
Strike: subsection (d) in its entirety

8. Page 5, line 6.
Following: "utility"
Insert: ", except as provided in subsection (13),"

9. Page 5, line 9.
Strike: "73"
Insert: "75"

10. Page 5, line 12.
Strike: "subsections"
Insert: "subsection"
Strike: "and (3)(d)"

11. Page 7.
Following: line 3

Insert: "(13) A public utility that served 50 or fewer retail customers in Montana on December 31, 2012, is exempt from the requirements of subsections (2) through (4)."

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 2/1/2013
SB 150, do pass. Report adopted.
SB 194, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/31/2013

HB 18, introduced by Hollenbaugh
HB 28, introduced by Bangerter
HB 38, introduced by Ingraham
HB 81, introduced by Ankney
HB 140, introduced by Berry
HB 182, introduced by Ballance
HB 188, introduced by Regier

MOTIONS

Senator Lewis moved **SJR 7** be moved from the Judiciary committee to the Local Government committee. Senators Blewett and Jent objected. The motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Arthun moved **SB 205** and **SB 206** be moved from the Judiciary committee to the State Administration committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

The Little Fiddlers from Dillon, Montana, entertained the members of the Senate.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 218, introduced by Taylor, Tutvedt, referred to Public Health, Welfare and Safety.
SB 219, introduced by Taylor, referred to State Administration.
SB 220, introduced by Dick Barrett, B. Bennett, Blewett, Driscoll, Gursky, Hagstrom, Hill, Kaufmann, Larsen, Lieser, MacDonald, Malek, McClafferty, Miller, D. Moore, Pomnichowski, Van Dyk, Wanzenried, Williams, Wilson, referred to Judiciary.
SB 221, introduced by Caferro, referred to Business, Labor, and Economic Affairs.
SB 222, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.
SB 223, introduced by Caferro, referred to Public Health, Welfare and Safety.
SB 224, introduced by Debby Barrett, referred to State Administration.
SB 225, introduced by Arntzen, Fitzpatrick, referred to Highways and Transportation.
SB 226, introduced by F. Moore, referred to Highways and Transportation.
SB 227, introduced by Walker, Arthun, Blasdel, F. Moore, Priest, Sales, C. Smith, Taylor, Vance, Webb, referred to State Administration.
SB 228, introduced by Wanzenried, referred to Taxation.
SB 229, introduced by Hamlett, referred to Natural Resources.
SB 230, introduced by Wanzenried, Taylor, referred to Business, Labor, and Economic Affairs.
SB 231, introduced by Augare, Brockie, Calf Boss Ribs, Pease-Lopez, Peppers, B. Smith, Stewart-Peregoy, Whitford, Windy Boy, referred to Taxation.
SB 232, introduced by Augare, Brockie, Calf Boss Ribs, Pease-Lopez, Peppers, B. Smith, Stewart-Peregoy, Whitford, Windy Boy, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 26, introduced by Washburn, referred to Fish and Game.
HB 32, introduced by Hollandsworth (by request of the Department of Revenue), referred to Taxation.
HB 111, introduced by Miller (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 136, introduced by McClafferty (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 142, introduced by Connell (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 148, introduced by Connell, referred to Local Government.
HB 164, introduced by Curtis, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 148 - Senator L. Jones moved **SB 148** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 172 - Senator Walker moved **SB 172** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 161 - Senator Tropila moved **SB 161** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Arthun, Boulanger, T. Brown, Buttrey, Murphy, Olson, Sales, Sonju, Thomas, Tutvedt, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 18 - Senator Hamlett moved **SB 18** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips,

Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jergeson arose on a point of personal privilege. With reference to Mason's Manual of Legislative Procedure, the Senator cautioned members that questions of integrity and the background of members should not be allowed during second reading debate.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 162 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 147 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 137 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 37

Nays: Augare, Blewett, Facey, Jent, Kaufmann, Sales, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 154 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 122 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 92 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Barrett Debby, Sonju.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 108 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 46

Nays: Priest, Vincent, Wittich, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 136 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 112**. Without objection, so ordered.

SB 112 (Blewett, Chief Sponsor)
Senators Debby Barrett, Olson, Sonju, Thomas, and Walker.
Representatives O'Hara, Pierson, Reichner, and C. Smith.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, February 2, 2013, the twenty-third legislative day. Motion carried.

Senate adjourned at 2:09 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 2, 2013 — State Capitol

Senate convened at 8:00 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Jent, Malek, Olson, and Priest, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/2/2013

Correctly printed: **SB 18**, **SB 148**, **SB 150**, **SB 161**, **SB 172**, **SB 194**, **SB218, SB219, SB 220**, **SB 221**, **SB 222**, **SB 223**, **SB 224**, **SB 225**, **SB 226**, **SB 227**, **SB 228**, **SB 229**, **SB 230**, **SB 231**, **SB 232**, **HB 56**.
Correctly engrossed: **SB 164**, **SB 173**.
Transmitted to the House: **SB 108**, **SB 122**, **SB 136**, **SB 137**, **SB 147**, **SB 154**, **SB 162**, **HB 92**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Buttrey, Chair): 2/1/2013
SB 105, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/1/2013
SB 88, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/1/2013
SB 142, do pass. Report adopted.
HB 23, be amended as follows:

1. Title, page 1, line 7.
Following: "~~COMMISSIONER;~~"
Insert: "PROHIBITING THE COMMISSIONER FROM ENGAGING IN PRIVATE BUSINESS DURING THE OFFICE HOURS OF THE COMMISSIONER;"

2. Title, page 1, line 9.
Following: "~~, 13-37-108,~~"
Insert: ", 13-37-108,"

3. Page 3, line 18.
Following: line 17
Insert: "Section 2. Section 13-37-108, MCA, is amended to read:
"13-37-108. Commissioner of political practices -- restrictions. During the commissioner's term of office, the commissioner may not knowingly, as defined in 45-2-101:

(1) hold another position of public trust or engage in any other occupation or business if the position of public trust or the other occupation or business interferes with or is inconsistent with the commissioner executing the duties of the commissioner's office;

(2) engage in any other occupation or business during the business hours of the commissioner's office unless the commissioner is in a leave status from the office;

~~(2)~~(3) participate in any political activity or in a political campaign;

~~(3)~~(4) make a contribution to a candidate or political committee or for or against a ballot issue or engage in any activity that is primarily intended to support or oppose a candidate, political committee, or ballot issue;

~~(4)~~(5) attend an event that is held for the purpose of raising funds for or against a candidate, political committee, or ballot issue;

~~(5)~~(6) participate in a matter pertaining to the commissioner's office that:

(a) is a conflict of interest or results in the appearance of a conflict of interest between public duty and private interest pursuant to Title 2, chapter 2; or

(b) involves a relative of the commissioner.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 41, be concurred in. Report adopted.
HB 53, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/1/2013

HB 120, introduced by Ingraham
HB 126, introduced by Ingraham
HB 152, introduced by Fitzpatrick
HB 192, introduced by Hagan
HB 259, introduced by Hunter
HB 261, introduced by Berry

MOTIONS

Senator Buttrey moved to take **SB 27** from second reading this date and refer it back to the Public Health, Welfare and Safety committee. Without objection so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 240, introduced by Tutvedt, Zolnikov, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Dick Barrett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 20 - Sponsored by Jent. Senator Facey moved **SB 20** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: Fielder, Vincent, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

SB 103 - Senator Webb moved **SB 103** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

HB 34 - Senator Sesso moved **HB 34** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: Brenden, Fielder, Sales, Sonju, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

HB 51 - Senator Sesso moved **HB 51** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

HB 35 - Senator Kaufmann moved **HB 35** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 148 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Paired: Moore, Olson, Priest, Taylor, Aye; Facey, Jent, Malek, Van Dyk, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 172 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

SB 161 passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 34

Nays: Arthun, Boulanger, Buttrey, Murphy, Priest, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich.
Total 13

Paired: Augare, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson.
Total 3

SB 18 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

SB 83 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Barrett Dick, Driscoll, Facey, Kaufmann, Phillips, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: Jent, Malek, Olson, Priest.
Total 4

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked this week's pages for their service.

MOTIONS

Senator Tutvedt moved to change his vote on **SB 161** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, February 4, 2013, the twenty-fourth legislative day. Motion carried.

Senate adjourned at 8:37 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 4, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Malek, Peterson, and Priest, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/4/2013

Correctly printed: **SB 20**, **SB 88**, **SB 103**, **SB 105**, **SB 142**, **SB 240**, **HB 34**, **HB 35**, **HB 41**, **HB 51**, **HB 53**.
Correctly engrossed: **HB 23**.
Transmitted to the House: **SB 18**, **SB 83**, **SB 148**, **SB 161**, **SB 172**.

MOTIONS

Majority Leader Wittich moved the Senate recess and proceed to the House of Representatives for a joint session to hear the State of Education address from Denise Juneau, Superintendent of Public Instruction. Upon adjournment of the joint session the Senate will reconvene. Motion carried.

The Senate recessed at 1:05 p.m.

The Senate was welcomed into the House of Representatives; President Essmann assumed the chair.

Majority Leader Wittich moved the body resolve itself into a joint session for the purpose of receiving the State of Education address from Denise Juneau, Superintendent of Public Instruction for the State of Montana. Motion carried.

Majority Leader Wittich moved the President be authorized to appoint a committee of four to notify Superintendent Juneau that the body was in joint session and ready to receive her address. Without objection, President Essmann appointed Senators Moore and Stewart-Peregoy, and Representatives Lang and Price to escort Superintendent Juneau into the chamber.

President Essmann introduced Superintendent of Public Instruction Denise Juneau who gave the following address:

*****

Thank you President Essman, Speaker Blasdel, Representatives, Senators, and honored guests for this opportunity to provide the State of Education.

I want to begin by recognizing my parents, Stan and Carol. They are both life-long educators and taught me the value of education. My mom used to be one of you, representing the people of Montana in both the House and the Senate. I kind of miss her being in the Legislature. I could always count on at least one vote when she was here.

I also want to recognize my Deputy Superintendent, Dennis Parman, and my Chief of Staff, Madalyn Quinlan. They represent the great state workers we have at OPI. Thank you for the work that you do on behalf of Montana's schools and students.

I have a great job. I get to travel all over our beautiful state and see first-hand why we have so many reasons to be proud of our public schools. Our students consistently perform in the top ten states in reading, math and science. In fact, our 8th graders were the top performers in science and in the top two in math last year. Dropout rates are decreasing and graduation rates are climbing. We have great outcomes in Montana because our schools are innovative and work to meet the needs of their communities and students.

Over sixty of our small schools have changed their schedules to a four-day school week. This allows every student an opportunity to participate in extracurricular activities, and parents do not have to take their student out of school for appointments and such. I recently visited with the superintendent from Centerville who said, as a result of changing to a four-day school week, students have 721 fewer absences, and teacher and student morale is up. This is just one example of innovative strategies happening in our rural schools.

Helena offers Montessori classes in their elementary schools. Missoula is starting Spanish language immersion classes next year. Billings has a Career Center with over 1,200 students attending. Browning has the Blackfeet Academy that helps their most at-risk students succeed. Laurel has started an alternative school this year. There are innovative education strategies everywhere in this state. And, it is all happening within our public system. This innovation helps keep us at the top of the nation.

And, speaking of innovation in our public education system, in 2011, the Legislature appropriated $2 million to create an online high school course delivery system known as the Montana Digital Academy. What a visionary action to take! The Digital Academy is now an important part of our quality public education system in our huge, rural state. Its courses are taught by Montana public school teachers and are serving nearly 4,000 public and home-schooled students each year, and it continues to grow. The MTDA is providing students in rural schools access to elective courses that have never before been available to them, including world languages and Advanced Placement courses. In our urban schools, the credit recovery classes allow students to catch up to their peers, increasing our graduation rates in our largest school districts.

With the increasing demand for these courses, we expect the MTDA to grow to 10,000 enrollments each year by 2015. That is why I have asked you to increase your $2.3M appropriation by $1.5M over the next biennium. This type of innovation within our public education system is one that you, as legislators, should be very proud of, because you helped support its success. No matter where students attend school, the MTDA provides the opportunity for students to take diverse classes like

dual credit courses offered by the Montana University System, Web design, and Personal Finance.

I have a friend who is a teacher in Arlee, Ms. Baldwin, who also teaches a Native American Studies class through the Digital Academy. She teaches students in Missoula, Kalispell, Kevin, Sunburst, Harlowtown, Plentywood, Ekalaka, Big Sandy, and Fishtail.

These online courses provide interaction among students who would not normally meet in a classroom--kids from our cities and reservations learning calculus together; public school students and home schooled students learning Montana history together.

The MTDA is a Montana success story. It deserves your attention and support.

We should definitely celebrate our many accomplishments. But we also know there's much more to do. I want every student to graduate from high school, and I want their K-12 education to prepare them to succeed in college or start their careers. When I came into office, more than 2,400 students were dropping out of school. That's way too many. I knew we could do better.

I brought a bill to raise the legal dropout age to the 2011 Legislative Session. It was sponsored by your colleague, Sen. Taylor Brown. Despite this bill not making it out of committee, I was not deterred from my belief that we could do more to decrease our dropout rate. After the 2011 Session, I worked hard to bring statewide attention to our dropout challenge. I traveled around the state and worked with schools, community organizations, and businesses to create a statewide Graduation Matters presence.

This year, sixty-five percent of Montana students attend a school where there is a Graduation Matters initiative happening in their community. Over 7,000 students have participated in the "I Pledge to Graduate" campaign. We have established some great public/private partnerships that allow us, at the state level, to fund local Graduation Matters efforts: a $450,000 grant from the Dennis and Phyllis Washington Foundation, $20,000 from State Farm, and $50,000 from the Student Assistance Foundation. And several other businesses and organizations like Town Pump Hotels, Optimum Cable, and Northwest Energy have helped my Student Advisory Board meet and supported the Graduation Matters Summit we held last summer.

A lot of work has happened in between legislative sessions. And, all of this work is paying off. Our dropout rates are going down, and our graduation rates are going up. In a little less than four years, we've seen the dropout numbers decrease by nearly 600--to 1,841 students. This is due to all of the hard work going on at the local level where schools, non-profit organizations, main-street businesses and families are working together to support students.

There is so much going on across this state--I want to give you a couple of examples. In Hardin, they created an after-school credit recovery program for seniors who were short of credits to graduate. Every student who participated graduated on-time with their class--more than 20 students who were inspired and motivated by just a little extra help. When I was at Hardin's Graduation Matters kick-off event, they had students who wrote essays, had an art contest, and created public service announcements. One Hardin student told her teacher, "I looked Denise Juneau in the eye

and pledged to graduate from high school, and I'm going to do it." That's the power of high expectations.

In Miles City, the student-led Graduation Matters event had students, teachers, and community members attempt to set the Guinness world record for largest number of people engaged in a thumb war.

In Kalispell, they recently brought all 700 of their 8th graders to the fairgrounds for a Graduation Matters event. Participating students agreed that graduation is the key to pursuing their dreams, achieving success and gaining respect in their community.

In St. Ignatius, I attended an all-grade community showcase evening event. The entire school focused on Graduation Matters activities. A few days later, I received a note from a mom who wrote that her son gave her a framed picture of him posing with his pledge to graduate for mother's day.

Just last week, I was in Browning for their Graduation Matters event. 1,800 K-12 students gathered in the high school gym and took the pledge to graduate. There were original songs, cheers, and dancing. It was quite the celebration, and, really, quite the homecoming.

I visited with one of my classmates who is now a teacher. She told me that she had been skeptical of Graduation Matters. She worried that it was simply a PR campaign and really wouldn't result in much change. But, she said that as they built the program and talked more and more about graduation, she saw a change in her students. They started talking about going to college and their life aspirations. They started taking their discussion about the importance of graduating home. She now believes in Graduation Matters. Those kinds of stories are permeating across the state.

I could use the Legislature's help in promoting the idea that Graduation Matters to everyone in our state. Schools and communities have put in the hard work to focus on increasing the graduation rate-it's now time for you, as state legislators, to step up and partner with these local efforts and set high expectations for all students and schools.

I ask that you work with your colleagues on the Senate Education committee to bring Senate Bill 13, sponsored by Senator Wanzenried, to raise the legal dropout age, back to life and pass it. It's time for the legislature to set the expectation that our students should graduate from high school. You can set that expectation by passing Senate Bill 13. The bill is not a cure-all for our dropout problem. As lawmakers you know that issues as complex as this cannot be solved by one bill. But it does set an expectation that, in today's economic climate, it's imperative that a student have a diploma or certificate as they enter adulthood, and raising the legal dropout age will make a difference. We expect about 250 students annually will change their minds about dropping out if this bill passes.

The last time we raised our expectations of students in this area was 1921, 90 years ago, when we asked that they stay in school until they turned 16 or completed 8th grade. Our 21st Century realities cannot be sustained by our 100-year-old policies. We must set our expectations higher

than an 8th-grade graduation. A principal from Thompson Falls stated during the hearing that "educators aren't in the business of giving up on students." Let's make that true all across this state because we know that there are no throwaway kids.

There is also another bill, Senate Bill 14, sponsored by Senator Wanzenried, which will support schools when they do the right thing by allowing students who may need a little extra time to finish their high school diploma, even though they have turned 19 years old. This past year, there were about 50 schools, both large and small, that educated 135 students older than 18.

Right now, we are the only state in the country that does not provide funding for educating these students. I suspect Senate Bill 14 will be on the Senate floor very soon--I urge you to pass it and get it to the Governor's desk.

I know that we must do more than simply make sure students graduate from high school. We must ensure their diploma means something when they cross the stage. That's why I worked with the Board of Public Education to raise our learning standards in English and math, standards that we share with 45 other states.

The OPI and the Board of Public Education have set the stage for great things to happen in our public schools. The Chairperson of the Board of Public Education, Patty Myers, is sitting up here in the front. Please help me thank her for her leadership.

Because of the Board of Public Education's leadership, we no longer have standards that are a mile wide and an inch deep. They are rigorous and provide a clear pathway of learning for each grade level. They make it very clear to parents and teachers what students should be learning. If properly implemented, Montana students will be ready to compete not only with their peers across the country, but across the globe.

Schools have already started aligning their local curriculum to the standards, providing training to teachers and school leaders and educating parents on the upcoming changes. Additional training is needed if we are to be successful in this endeavor. Legislative support in this effort will make sure that every education professional has equal access to high quality training throughout our state. I am requesting a one-time-only $4 million appropriation to support regional training for our schools so every teacher, no matter where they are in Montana, is able to get their students to reach the higher bar set in our new English and math standards.

Technology is also a big part of these new standards and it continues to deeply affect the way we work. Now, with a new online state assessment in 2015, it will help inform how our schools perform--not only across the state, but compared to schools across the country.

Our schools need to have 21st Century classrooms where technology is a tool that is integrated into learning. I have been to schools that use document cameras, laptop carts and Promethean boards--the interactive "smart boards" that are changing the way some lessons are being delivered. In Lavina, students use their school laptop to conduct science research on insects. The teacher says the use of technology in classroom lessons has created a classroom full of excited and motivated research scientists.

East Helena schools bought iPads for every 3rd and 6th grader in their school district. Other grades have access to mobile technology labs of computers and other devices. They use these new devices to access lessons that are not available in their textbooks. The school board is using technology to prepare their kindergarten students to enter the workforce in 2025, and changing their instruction to match a world that we can only imagine.

In that spirit, I ask you to support Governor Bullock's $6 million one-time-only request to help all schools beef up their technology and move toward every classroom being a digital one.

As I stated earlier, I get to travel all across our state and observe great classroom teaching and learning. This fall, I was in Great Falls to attend their Graduation Matters kick-off. They highlighted the class of 2025--this year's first graders. That makes you feel old, right? They asked each student what they wanted to be when they grew up. There were a few scientists, a couple rock stars--then one little girl stated that she wanted to be a rainbow unicorn.

It got me thinking--how do we support every child to reach their dreams? What career track and course offerings and curriculum do we provide to this young student to achieve her dreams? Then, one of the administrators told me that children who dream of becoming rainbow unicorns become our future teachers.

It's true that our teachers are resourceful, innovative, and caring. They work every day to teach students to think critically, build imagination, and develop creativity. Our classroom teachers are the everyday heroes in our education system, and they deserve our respect. No other profession is more responsible for securing our economic future.

We also have teachers that go above and beyond the call of duty. These are our Teachers of the Year. I want to introduce Montana's 2013 Teacher of the Year, Eileen Sheehy, who is sitting here in the front row. I visited Billings West High School right after she received teacher of the year status. It was during a student assembly where students gave her a standing ovation and a bouquet of flowers. Every person I talked to--students, teachers, and administrators--all spoke highly of Ms. Sheehy. I know that she is a great representative of Montana's teaching profession. In the words of one of her students, "she is pretty stellar." Please help me to thank Ms. Sheehy for growing up to be one of Montana's most impressive rainbow unicorns.

When we get down to the basics of public education, we need to not only respect the people who work in schools, we must also listen to students. Two years ago, I started the first ever Student Advisory Board. Forty students from across the state let me know what is happening in their schools and classrooms and advise me on how we might best move Montana's education system forward. These students are from both large and small schools, some are valedictorians of their class, some have dropped out of school and dropped back in, some have lots of family and community support, some struggle to make it to school every day. Each one of them is inspiring.

One of my former Student Advisory Board members is in the gallery today, Sapphire Carter. She is a graduate from Rocky Boy High School, a member of the Chippewa-Cree Tribe and is now attending Carroll College, double majoring in History and Political Science. She and a fellow student started a mentoring program at their high school, partnering an upperclassman with an

entering freshman to provide on-the-ground training for navigating high school. It's an example of a great student-led program and student leadership.

I had the honor of being the commencement speaker for Sapphire's graduating class where she was the valedictorian and it was announced that she was a recipient of a Gates Millennium Scholarship, a full-ride to college. I recently asked Sapphire about her experience on the Student Advisory Board. She said that, as a result of her experience on the board, she is now committed to encourage others to finish high school and attend college. She learned how much an education is worth--that an education is the difference between economic security and having no food on the table. She is now interning at the Commissioner of Higher Education's office and working with GEAR UP, a program that helps other students set their sights on college. Thank you, Sapphire, for helping to make Montana's future a little more bright.

I will continue my work with my Student Advisory Board. I learn so much from them about what it is like to be a young person growing up in the 21st Century. They also let me know when my ideas are "lame" and should be thrown aside. We could all benefit from their candidness about our policy ideas. Our young people are smart, creative, and ready to lead.

Students tell me the number one thing they want in their learning is relevancy. And, there is not a more relevant learning experience than the one offered by career and technical education courses. It is an important component of Graduation Matters. In fact, students who take three or more Career and Technical Education courses have a graduation rate of 96%, far exceeding the statewide average.

As I travel the state speaking with business leaders, I am consistently told they are looking for employees not only with academic knowledge but also with skills such as a strong work ethic, time management, team work, communications, problem-solving, and self-confidence. These are exactly the type of skills that students attain when they are part of Career and Technical Student Organizations.

Newer student organizations like Health Occupation Students of America are recruiting and preparing the future health professionals of our state, and FFA, which has been thriving in Montana since the 1930s, continues to provide thousands of Montana students with learning and leadership opportunities.

Keeping our Career and Technical Student Organizations thriving is a critical piece of my Graduation Matters agenda this legislative session. I'm working with Representative Jesse O'Hara on a proposal to increase state support for these programs by $1 million so they can expand their membership and continue to graduate students who are prepared for college and the workforce.

As part of Graduation Matters Montana, I have also forged a strong partnership with the Montana University System and Commissioner of Higher Education Clay Christian. Over the past two years, we have worked together to streamline our systems so more students have the opportunity to attend college. We are connecting our data systems so students can push a button and send their high school transcript to any college for admission. We will connect the new Common Core standards to entry level college courses so everyone is on the same page about the content

students must have to be prepared for college algebra and Composition 101.

This will help to decrease our remediation rates and make sure our high school students not only graduate, but that they are prepared for college if they choose to attend. We have worked together so this spring, every high school junior will have the opportunity to take the ACT at no cost to their family.

Thank you to our Board of Regents Chairperson, Angela McLean, and Commissioner of Higher Education Clay Christian, for your commitment to access and affordability in our university system for every Montanan.

We are also working together to increase the number of high school students taking college courses before they graduate. I meet high school students who are getting a head start on becoming nurses, IT specialists, auto mechanics, chefs, or engineers through dual credit programs. We know that high school students who take college-level courses are more likely to graduate, enter college, and stay in college. Montana currently ranks 37th in the nation for the percentage of 15 to 17-year-olds taking at least one college course. We can do better.

I ask you to support the Governor's budget proposal for $2M to help boost our two-year college participation, including dual credit opportunities. I also ask you to support House Bill 166, sponsored by Representative Amanda Curtis, which redirects lottery proceeds to Montana University System student aid, part of which includes tuition reimbursement to families paying for their high school student to take college-credit courses before they graduate.

I am proud to be the top advocate for public education. Public education means so much to all of us. It is still the great equalizer. It is the last great public endeavor we have in America that is open to all, to every citizen. Public education proves that America is still the land of opportunity.

I know the value of a Montana public education because it's a gift I was given. It is part of who I am, and part of what drove me to become an educator. And I know what we have to lose if we don't preserve and strengthen public education for generations to come.

There is no better economic development tool than making sure our young people receive a quality education so they can secure a good job and are better able to support a family. To be pro-business, you have to be pro-education.

As your State Superintendent, I will continue to celebrate the great things happening in our public education system. I will continue to confront our challenges head-on by working with local schools and communities. I will continue to fiercely advocate for all those who dedicate their lives to public education and most of all, for our kids.

Join me in standing up for our kids, our public schools, and all the parents, educators, staff, and leaders who work daily to build a more prosperous future for Montana. We need to unite behind public education. An investment in public education is an investment in our future. It is the number one jobs issue of this legislative session. I call on you to do the right thing and invest in our public schools so they have the resources they need to stay at the top of the nation.

Thank you for all that you do for the State of Montana. I consider it an honor to work with you.

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President Essmann thanked Superintendent Juneau and directed the committee of four to escort the Superintendent from the chamber.

Majority Leader Wittich moved the joint session be adjourned. Motion carried. The joint session was adjourned at 1:44 p.m.

The Senate reconvened at 1:48 p.m.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/2/2013

HB 30, introduced by Washburn
HB 68, introduced by MacDonald
HB 154, introduced by D. Moore
HB 194, introduced by Ingraham
HB 226, introduced by D. Jones
HB 250, introduced by Bangerter

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 233, introduced by Peterson, Hamlett, Vincent, referred to Natural Resources.
SB 234, introduced by Peterson, Larsen, F. Moore, Olson, referred to Natural Resources.
SB 235, introduced by Buttrey, Cook, Curtis, Gibson, Lewis, Miller, referred to Business, Labor, and Economic Affairs.
SB 236, introduced by Olson, Ankney, referred to Finance and Claims.
SB 237, introduced by Brenden, Arthun, Debby Barrett, Blasdel, Boulanger, Doane, Keane, Knudsen, Lang, Lewis, F. Moore, Olson, Regier, Ripley, Rosendale, Sales, C. Smith, Sonju, Taylor, Thomas, Vincent, Walker, Webb, White, referred to Natural Resources.
SB 238, introduced by Hamlett, Jacobson, referred to Judiciary.
SB 239, introduced by Buttrey, referred to Taxation.
SB 241, introduced by Brenden, referred to State Administration.
SB 242, introduced by Sesso, Ankney, Buttrey, Cuffe, Hollenbaugh, Keane, Larsen, Lynch, McClafferty, Wittich, referred to State Administration.
SB 243, introduced by Boulanger, referred to Business, Labor, and Economic Affairs.
SB 244, introduced by Windy Boy, Augare, Brockie, Calf Boss Ribs, Peppers, Pierson, B. Smith, Stewart-Peregoy, Whitford, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Murphy in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 164 - Senator Keane moved **SB 164** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Sales, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

SB 150 - Senator Driscoll moved **SB 150** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blewett, Boulanger, D. Brown, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Moore, Murphy, Olson, Phillips, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Van Dyk, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 32

Nays: Arthun, Augare, Barrett Debby, Brenden, T. Brown, Buttrey, Caferro, Jackson, Lewis, Ripley, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

SB 194 - Senator Blewett moved **SB 194** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: T. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

HB 56 - Senator Vuckovich moved **HB 56** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 38

Nays: Boulanger, Brenden, Fielder, Ripley, Thomas, Vincent, Walker, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Murphy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 45

Nays: Brenden, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 20 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: Fielder, Sales, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

SB 103 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 44

Nays: D. Brown, Fielder, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

HB 34 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 38

Nays: Brenden, Fielder, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

HB 51 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

HB 35 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Malek, Peterson, Priest.
Total 3

SPECIAL ORDERS OF THE DAY

Senator Jones introduced the pages for the upcoming week:

Katelyn Frost, Corvallis
Janna Jangula, Butte
Caydon Keller, Shelby
Jim Joyce, Butte
Joe Joyce, Butte
Thomas Joyce, Butte

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Essmann reminded Senate members that the transmittal date for general bills is legislative day 45. Remaining bills need to be moved through the process to ensure each receives due consideration.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, February 5, 2013, the twenty-fifth legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 5, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Peterson, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/5/2013
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh through fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 150**, **SB 164**, **SB 194**, **SB 233**, **SB 234**, **SB 235**, **SB 236**, **SB 237**, **SB 238**, **SB 239**, **SB 241**, **SB 242**, **SB 243**, **SB 244**, **HB 56**.
Correctly engrossed: **SB 23**, **SJR 8**.
Correctly enrolled: **SB 8**, **SB 50**.
Examined by the sponsor and found to be correct: **SB 8**, **SB 50**.
Transmitted to the House: **SB 20**, **SB 103**, **HB 34**, **HB 35**, **HB 51**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 2/4/2013

SJR 8, introduced joint resolution, be amended as follows:

1. Page 2, lines 2 through 6.
Strike: ", in coordination" on line 2 through "member." on line 6
Insert: "include with the copies sent to the respective Secretaries of the Army, Navy, and Air Force, the Commandant of the United States Marine Corps, the Commandant of the United States Coast Guard, and the Adjutant General of the Montana National Guard a request that the respective Secretaries and Commandants and the Adjutant General use every means available to provide a copy of this resolution to each member of the Armed Forces who hails from Montana."

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 2/5/2013
HB 17, be concurred in. Report adopted.
HB 107, be concurred in. Report adopted.
HB 137, be concurred in. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 2/4/2013
SB 23, introduced bill, be amended as follows:

1. Page 3, line 13 through line 26.
Strike: sections 2 and 3 in their entirety

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/4/2013

SB 8, introduced by Murphy
SB 50, introduced by Augare

House bills passed and transmitted to the Senate for concurrence: 2/4/2013

HB 16, introduced by Hill
HB 24, introduced by Ankney
HB 37, introduced by McChesney
HB 106, introduced by Connell
HB 184, introduced by Fiscus

MOTIONS

Senator F. Moore moved **SB 226** be moved from the Highways and Transportation committee to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered.

Senator Buttrey moved **SB 235** be moved from the Business, Labor, and Economic Affairs committee to the Local Government committee. Without objection, so ordered.

Senator T. Brown moved **SB 105** be passed for the day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 245, introduced by Arthun, referred to Local Government.
SB 246, introduced by Phillips, referred to Rules.
SB 247, introduced by Phillips, referred to Energy and Telecommunications.
SB 248, introduced by Driscoll, referred to Judiciary.
SB 249, introduced by Debby Barrett, referred to Fish and Game.
SB 250, introduced by Debby Barrett, Brenden, Fielder, Hamlett, Ripley, Thomas, referred to Fish and Game.
SB 251, introduced by Wittich, Dudik, Jent, Knudsen, referred to Judiciary.
SB 252, introduced by Rosendale, Doane, Halvorson, Knudsen, F. Moore, Salomon, referred to Agriculture, Livestock and Irrigation.

SB 254, introduced by Caferro, Wittich, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ripley in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 88 - Senator Dick Barrett moved **SB 88** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: D. Brown, Fielder, Jackson, Stewart-Peregoy.
Total 4

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

SB 159 - Senator Hamlett moved **SB 159** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Peterson.

Total 1

SB 142 - Senator Wanzenried moved **SB 142** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

SR 3 - Senator Essmann moved **SR 3** be adopted.

SR 3 - Senator Taylor moved **SR 3**, second reading copy, be amended as follows:

1. Page 2, following line 1.
Insert: "WHEREAS, the Senate contends that the Commission split Lake County into four different Senate Districts, ignoring communities of interest and county political boundaries; and"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: Peterson.

Total 1

SR 3 - Senator Essmann moved **SR 3**, as amended, be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 41 - Senator Facey moved **HB 41** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 53 - Senator Van Dyk moved **HB 53** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

SB 159 - Senator Wittich moved **SB 159** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Ripley moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 164 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

SB 150 passed as follows:

Yeas: Arntzen, Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Phillips, Priest, Rosendale, Sales, Sesso, Taylor, Thomas, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 32

Nays: Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Jackson, Jent, Lewis, Ripley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

SB 194 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 56 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Mr. President.
Total 40

Nays: Boulanger, Brenden, Priest, Ripley, Sales, Walker, Webb, Windy Boy, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 195**
Motion carried.

SB 195 (Blewett, Chief Sponsor)
Representatives B. Bennett.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, February 6, 2013, the twenty-sixth legislative day. Motion carried.

Senate adjourned at 2:32 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 6, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Jent and Taylor, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/6/2013

Correctly printed: **SB 88**, **SB 142**, **SB 245**, **SB 246**, **SB 247**, **SB 248**, **SB 249**, **SB 250**, **SB 251**, **SB 252**, **SB 254**, **HB 17**, **HB 41**, **HB 53**, **HB 107**, **HB 137**.
Correctly engrossed: **SR 3**.
Transmitted to the House: **SB 150**, **SB 164**, **SB 194**, **HB 56**.
Signed by the Secretary of the Senate at 3:30 p.m., February 5, 2013: **SB 8**, **SB 50**.
Signed by the President at 4:00 p.m., February 5, 2013: **SB 8**, **SB 50**.
Signed by the Speaker at 9:30 a.m., February 6, 2013: **SB 8**, **SB 50**.
Delivered to the Governor for approval at 12:57 p.m., February 6, 2013: **SB 8**, **SB 50**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/6/2013
SB 120, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "NUMBER OF"
Insert: "CERTAIN"

2. Title, page 1, line 6.
Following: "CONSUMPTION;"
Insert: "LIMITING EXPANSION TO OWNERSHIP OF 50% OR LESS OF THE ALLOWABLE LICENSES IN A QUOTA AREA;"
Strike: "SECTION"
Insert: "SECTIONS 16-4-205 AND"

3. Page 1.
Following: line 9
Insert: "Section 1. Section 16-4-205, MCA, is amended to read:
"16-4-205. ~~Limit one license to person~~ <u>Limitation on number of licenses</u> -- business in name of licensee. (1) ~~A~~ <u>Subject to the provisions of 16-4-401, a</u> person may not be issued more than ~~one~~ <u>three</u> all-beverages ~~license in any year~~ <u>licenses</u>, with the exception of a secured party issued an additional all-beverages license as the result of a default. A secured party shall transfer ownership of any additional all-beverages license within 180 days of issuance. A business may not

be carried on under any license issued under this chapter except in the name of the licensee.

(2) The provisions of this section do not apply to licenses held by the Montana heritage preservation and development commission under the provisions of 16-4-305.""

Renumber: subsequent section

4. Page 1, line 13.
Following: "section"
Insert: "and subject to subsection (8)"

5. Page 1, line 17.
Following: "(i)"
Insert: "and the application is approved,"

6. Page 2, line 5.
Following: the second "corporation"
Insert: "except that the provisions of subsection (8) apply"

7. Page 2, line 17.
Following: the second "corporation"
Insert: "except that the provisions of subsection (8) apply"

8. Page 2, line 29.
Following: "consumption"
Insert: "and subject to subsection (8)"

9. Page 3, line 3.
Following: "(i)"
Insert: "and the application is approved,"

10. Page 6.
Following: line 1
Insert: "(8) An individual applying for an all-beverages license or having any ownership interest in an entity applying for an all-beverages license may not, if the application were to be approved, own an interest in more than half the total number of allowable all-beverages licenses in any quota area described in 16-4-201."
Insert: "NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

And, as amended, do pass. Report adopted.

SB 127, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "GENERALLY" through "LAW;"

Following: the second "REVISING"
Insert: "THE"

2. Title, page 1, line 5 through line 6.
Following: "MISCONDUCT"" on line 5
Insert: "FOR UNEMPLOYMENT INSURANCE PURPOSES"
Strike: "REVISING" on line 5 through "BENEFITS;" on line 6
Strike: "SECTIONS" on line 6
Insert: "SECTION"
Strike: "AND 39-51-2104" on line 6

3. Page 4, line 9.
Following: "employer"
Insert: ", including:

(A) insubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions, processes, or instructions of the employer;

(B) repeated inexcusable tardiness following warnings by the employer;

(C) dishonesty related to employment, including but not limited to deliberate falsification of company records, theft, deliberate deception, or lying;

(D) false statements made as part of a job application process, including but not limited to deliberate falsification of the individual's criminal history, work record, or educational or licensure achievements;

(E) repeated and inexcusable absences, including absences for which the employee was able to give advance notice and failed to do so;

(F) deliberate acts that are illegal, provoke violence or violation of the law, or violate a collective bargaining agreement by which the employee is covered. However, an employee who engages in lawful union activity may not be disqualified because of misconduct under this subsection (19)(a)(i)(F).

(G) violations of a company rule if the rule is reasonable and if the claimant knew or should have known of the existence of the rule; or

(H) actions by the claimant who, while acting within the scope of employment, commits violations of law that significantly affect the claimant's job performance or that significantly harm the employer's ability to do business"

4. Page 6, line 1 through page 7, line 5.
Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

SB 174, do pass. Report adopted.
SB 183, do pass. Report adopted.
SJR 11, do pass. Report adopted.
HB 58, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 2/5/2013

HB 73, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/5/2013
HB 55, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 2/6/2013
SB 112, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "CLARIFYING"
Strike: "THE INTENT OF THE ACT TO CREATE NO"
Insert: "THAT THE ACT DOES NOT CREATE A"

2. Page 2, line 12
Following: "(2)"
Strike: remainder of line 12
Insert: "[Sections 2 through 5] do not create a new cause of action."

3. Page 3, line 2.
Strike: "physician" through "nurse"
Insert: "health care professional"

4. Page 3, line 4.
Following: "sponsored"
Strike: "or sanctioned"

And, as amended, do pass. Report adopted.

SB 213, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/5/2013

SB 29, introduced by Buttrey
SB 46, introduced by Vuckovich
SB 64, introduced by Facey

House bills passed and transmitted to the Senate for concurrence: 2/5/2013

HB 128, introduced by Hollenbaugh
HB 208, introduced by O'Neil
HB 245, introduced by Edmunds
HB 252, introduced by Ingraham

HB 270, introduced by Schwaderer
HB 308, introduced by Lang

MOTIONS

Senator Tropila moved to reconsider yesterday's action to indefinitely postpone **SB 159** and that **SB 159** be placed on second reading on tomorrow's date. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Jent, Taylor.
Total 2

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 22, introduced by Dudik (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 36, introduced by Boland (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 45, introduced by Lavin (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 46, introduced by Ingraham (by request of the Commissioner of Political Practices), referred to State Administration.
HB 50, introduced by Howard, referred to Local Government.
HB 54, introduced by Ingraham, (by request of the Teachers' Retirement Board) referred to the Joint Select Committee on Pensions.
HB 59, introduced by Lynch (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 64, introduced by Ingraham (by request of the Commissioner of Political Practices), referred to State Administration.
HB 70, introduced by MacDonald (by request of the Law and Justice Interim Committee), referred to Judiciary.

HB 72, introduced by MacDonald (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 74, introduced by MacDonald (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 77, introduced by Ingraham (by request of the Department of Public Health and Human Services), referred to Local Government.
HB 82, introduced by Reichner (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 94, introduced by Lieser (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 110, introduced by Pease-Lopez (by request of the State-Tribal Relations Committee), referred to State Administration.
HB 115, introduced by Clark (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
HB 124, introduced by O'Hara (by request of the Commissioner of Political Practices), referred to State Administration.
HB 125, introduced by O'Hara (by request of the Commissioner of Political Practices), referred to State Administration.
HB 130, introduced by Fitzpatrick (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 131, introduced by Gursky (by request of the Department of Public Health and Human Services), referred to Judiciary.
HB 138, introduced by Hertz (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
HB 141, introduced by Noonan (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.
HB 145, introduced by Harris, referred to State Administration.
HB 155, introduced by D. Moore, referred to Highways and Transportation.
HB 169, introduced by White, Pomnichowski, Redfield, Regier, referred to Local Government.
HB 172, introduced by O'Hara, Fitzpatrick, referred to Judiciary.
HB 190, introduced by Knudsen, Webb, Wittich, referred to Business, Labor, and Economic Affairs.
HB 193, introduced by Hagan, Bangerter, Ingraham, referred to Local Government.
HB 202, introduced by Hagan, Arntzen, Facey, McCarthy, referred to Business, Labor, and Economic Affairs.
HB 212, introduced by Knudsen, Sonju, referred to Business, Labor, and Economic Affairs.
HB 243, introduced by Wilson, referred to Business, Labor, and Economic Affairs.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 2, introduced by Hollenbaugh (by request of the Select Committee on Efficiency in Government), referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator F. Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 105 - Senator T. Brown moved **SB 105** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 23

Paired: Moore, Taylor, Aye; Jent, Larsen, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 144 - Senator Sesso moved **SB 144** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Kaufmann, Phillips.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent, Taylor.

Total 2

SB 11 - Senator Caferro moved **SB 11** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Taylor.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair F. Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Kaufmann, Malek, Phillips, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent, Taylor.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 88 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: D. Brown, Fielder, Jackson, Stewart-Peregoy.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent, Taylor.
Total 2

SB 142 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent, Taylor.
Total 2

HB 41 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Taylor.
Total 2

HB 53 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Taylor.
Total 2

MOTIONS

Senator Blewett moved to change his vote on **SB 105** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, February 7, 2013, the twenty-seventh legislative day. Motion carried.

Senate adjourned at 2:00 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 7, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Senator Keane introduced his niece, Jessica Robins Milanese, award-winning soprano, who sang the prayer, Ave Maria, and the Star Spangled Banner.

Roll Call. All members present, except Senator Augare, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/7/2013

Correctly printed: **SB 11**, **SB 105**, **SB 144**, **SB 174**, **SB 183**, **SB 213**, **SJR 11**, **SR 3**, **HB 55**, **HB 58**, **HB 73**.
Correctly engrossed: **SB 112**, **SB 120**, **SB 127**.
Correctly enrolled: **SB 29**, **SB 46**, **SB 64**.
Examined by the sponsor and found to be correct: **SB 29**, **SB 46**, **SB 64**.
Transmitted to the House: **SB 88**, **SB 142**, **HB 41**, **HB 53**, **HB 73**.
Signed by the Secretary of the Senate at 2:15 p.m., February 7, 2013: **SB 29**, **SB 46**, **SB 64**.
Signed by the President at 2:40 p.m., February 7, 2013: **SB 29**, **SB 46**, **SB 64**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/7/2013
SB 171, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "LAW;"
Strike: "AND"
Following: "SUBCONTRACTORS"
Insert: "; AND AMENDING SECTION 18-2-123, MCA"

2. Page 1.
Following: line 25
Insert: "Section 2. Section 18-2-123, MCA, is amended to read:
"18-2-123. Payment of contractors and subcontractors. ~~Notwithstanding any other provision of this title,~~ Unless the provisions of [section 1] apply, payment of a construction contractor or subcontractor, as those terms are defined in 28-2-2101, for services performed by a construction contractor or subcontractor is governed by the provisions of Title 28, chapter 2, part 21.""
Renumber: subsequent section

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 2/6/2013
SB 14, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "INCLUDE"
Insert: "A LIMITED NUMBER OF"

2. Title, page 1, line 7.
Strike: "OR OLDER"
Following: "TRUSTEES" on line 7
Insert: "FOR THE PURPOSE OF RECOVERING CREDITS TO MEET THE MINIMUM LOCAL REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA"

3. Title, page 1, line 8.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "20-1-101"
Insert: "AND 20-9-311"

4. Page 3, line 11.
Following: "~~and~~"
Insert: "has not yet reached 20 years of age by September 10 of the year and"
Following: "20-5-101(3)"
Insert: "for the purpose of recovering credits to meet the minimum local requirements for a high school diploma during that school year"

5. Page 4, line 23.
Insert: "Section 2. Section 20-9-311, MCA, is amended to read:

"20-9-311. Calculation of average number belonging (ANB) -- three-year averaging. (1) Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) For the purpose of calculating ANB, enrollment in an education program:

(i) from 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes.

(5) For a district that is transitioning from a half-time to a full-time kindergarten program, the state superintendent shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of preschool pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The number of additional high school ANB in a district that results from the inclusion of pupils who have reached the age of 19 may not exceed 40 in any school fiscal year and must be further limited to the greater of 3 additional high school ANB or 103% of high school ANB that would exist without the inclusion of pupils who have reached the age of 19 rounded up to the nearest whole number.

~~(8)~~(9) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that the ANB is calculated as a separate budget unit when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time

pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

(A) 75% of the basic entitlement for the fourth year;

(B) 50% of the basic entitlement for the fifth year; and

(C) 25% of the basic entitlement for the sixth year.

(b) a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

~~(9)~~(10) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

~~(10)~~(11) (a) Except as provided in subsections ~~(10)(b)~~ (11)(b) and ~~(10)(c)~~ (11)(c), enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection ~~(10)~~ (11) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

~~(11)~~(12) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district,

at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

(i) meet the residency requirements for that district as provided in 1-1-215;

(ii) live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.

(h) a resident of the district attending the Montana youth challenge program or a Montana job corps program under an interlocal agreement with the district under 20-9-707.

~~(12)~~(13) A district shall, for ANB purposes, calculate the enrollment of an eligible Montana youth challenge program participant as half-time enrollment.

~~(13)~~(14) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection ~~(13)(a)~~ (14)(a) and then combined.

~~(14)~~(15) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection ~~(14)(a)~~ (15)(a) by three.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 81, introduced bill, be amended as follows:

1. Title, page 1, line 17.
Following: "EFFECTIVE DATE"
Strike: "AND"

Insert: ","
Following: "APPLICABILITY DATE"
Insert: ", AND A TERMINATION DATE"

2. Page 6, line 30.
Following: "school."
Insert: "The amount of the credit allowed is:
(a) for an individual, equal to 40% of the donation; and
(b) for a corporation, equal to 20% of the donation."

3. Page 7, line 4.
Strike: "75%"
Insert: "50%"

4. Page 7, line 8.
Strike: "$5"
Insert: "$2.5"

5. Page 7, line 10 through line 11.
Strike: "the percentage" on line 10 through "that tax year" on line 11
Insert: "if the value of the grants awarded in the prior tax year is greater than 80% of the amount of tax credits that were preapproved under subsection (5)(c). If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 30% for the current tax year. If the value of grants awarded is less than or equal to 80% of the amount of tax credits that were preapproved under subsection (5)(c), then the aggregate amount of tax credits allowed remains unchanged for the current tax year"

6. Page 7, line 12.
Following: "determination"
Insert: "under this subsection (5)(a)(ii)"

7. Page 7, line 13 through line 17.
Strike: "If" on line 13 through "year." on line 17

8. Page 8, line 17.
Following: "provider."
Insert: "The amount of the credit allowed is:
(a) for an individual, equal to 40% of the donation; and
(b) for a corporation, equal to 20% of the donation."

9. Page 8, line 21.
Strike: "75%"
Insert: "50%"

10. Page 8, line 25.

Strike: "$5"
Insert: "$2.5"

11. Page 8, line 27 through line 29.
Strike: "the percentage" on line 27 through "year" on line 29
Insert: "if the value of the scholarships awarded in the prior tax year is greater than 80% of the amount of tax credits that were preapproved under subsection (5)(c). If this condition is satisfied, the aggregate amount of tax credits allowed must be increased by 30% for the current tax year. If the value of scholarships awarded is less than or equal to 80% of the amount of tax credits that were preapproved under subsection (5)(c), then the aggregate amount of tax credits allowed remains unchanged for the current tax year"

12. Page 8, line 30 through page 9, line 4.
Strike: "If" on page 8, line 30 through "year." on page 9, line 4

13. Page 10, line 5 through line 6.
Strike: "utilized" on line 5 through "companies" on line 6
Insert: "claimed under the individual income tax in chapter 30 and the corporate license tax in chapter 31"

14. Page 19.
Following: line 8
Insert: "NEW SECTION. **Section 24. Termination.** [This act] terminates December 31, 2017."

And, as amended, do pass. Report adopted.

SB 175, introduced bill, be amended as follows:

1. Title, page 1, line 14.
Strike: "AN"
Strike: "ADJUSTMENT"
Insert: "ADJUSTMENTS"
Strike: "THE PER-ANB ENTITLEMENT"
Insert: "ENTITLEMENTS"

2. Title, page 2, line 4, through page 2, line 6.
Strike: "PROVIDING" on line 4 through "DISTRIBUTION;" on line 6

3. Title, page 2, line 8.
Strike: "15-36-331,"
Following: "20-7-104,"
Insert: "20-9-141,"
Following: "20-9-323,"
Insert: "20-9-326,"

4. Title, page 2, line 9.
Following: "20-9-437,"
Insert: "20-9-438,"

5. Title, page 2, line 11.
Strike: "RETROACTIVE"
Insert: "AN"
Following: "APPLICABILITY"
Strike: "DATES"
Insert: "DATE"

6. Page 3, line 24 through page 6, line 1.
Strike: section 3 in its entirety
Renumber: subsequent sections

7. Page 9, line 17.
Following: line 16
Insert: "Section 5. Section 20-9-141, MCA, is amended to read:

"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid, the natural resource development K-12 funding payment, and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of 20-9-104;

(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:

(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

(B) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid;

(iii) anticipated oil and natural gas production taxes;

(iv) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703; and

(v) school district block grants distributed under 20-9-630.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE

budget amount, to determine the general fund BASE budget levy requirement.

(d) Determine the sum of any amount remaining after the determination in subsection (1)(c) and any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2).

(e) Subtract the amount determined in subsection (1)(d) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703.""

Renumber: subsequent sections

8. Page 9, line 26.
Following: "entitlements"
Insert: "above the direct state aid"

9. Page 9, lines 26 and 27.
Strike: "based" on line 26 through "20-9-622(4)" on line 27
Insert: "which must be an amount equivalent to the greater of 50% of the fiscal year 2012 oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) or 50% of the oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the school fiscal year in which the payment is provided plus any excess interest and income revenue appropriated by the legislature pursuant to 20-9-622(3)(a)"

10. Page 12, line 8.
Following: "entitlements"
Insert: "above the direct state aid"

11. Page 12, lines 8 and 9.

Strike: "funded" on line 8 through "20-9-622(3)" on line 9
Insert: ", which must be an amount equivalent to the greater of 50% of the fiscal year 2012 oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) or 50% of the oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the school fiscal year in which the payment is provided plus any excess interest and income revenue appropriated by the legislature pursuant to 20-9-622(3)(a)"

12. Page 14, line 29.
Strike: "30"
Insert: "32"

13. Page 16, line 1.
Following: "3 years"
Insert: "according to the department of natural resources and conservation"

14. Page 24, line 28.
Strike: "20-9-622(4)"
Insert: "20-9-622(3)"

15. Page 25, line 5.
Insert: "Section 12. Section 20-9-326, MCA, is amended to read:

"20-9-326. Annual inflation-related adjustments to basic entitlements and per-ANB entitlements. (1) In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the superintendent of public instruction shall determine the inflation factor for the basic and per-ANB entitlements, the data-for-achievement payment, and the general fund payments in 20-9-327 through 20-9-330 in each fiscal year of the ensuing biennium. The inflation factor is calculated as follows:

(a) for the first year of the biennium, divide the consumer price index for July 1 of the prior calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the prior calendar year and raise the resulting ratio to the power of one-third; and

(b) for the second year of the biennium, divide the consumer price index for July 1 of the current calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the current calendar year and raise the resulting ratio to the power of one-third.

(2) The present law base for the ~~basic and per-ANB~~ entitlements referenced in subsection (1), calculated under Title 17, chapter 7, part 1, must consist of any enrollment increases or decreases plus the inflation factor calculated pursuant to this section, not to exceed 3% in each year, applied to both years of the biennium.

(3) For the purposes of this section, "consumer price index" means the consumer price index, U.S. city average, all urban consumers, for all items, using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor.""
Renumber: subsequent sections

16. Page 25, line 13.
Following: "account"

Insert: "in each fiscal year"
Strike: "20-9-622(4)"
Insert: "20-9-622(3)"

17. Page 25, line 14.
Strike: "transferred"
Insert: "distributed"

18. Page 25, line 15.
Following: "subsection (2)."
Insert: "Excess interest and income revenue of $1 million or less must be carried forward and added to the excess interest and income revenue in the next ensuing school fiscal year and distributed in accordance with 20-9-622(3)."

19. Page 25, line 16.
Following: "an"
Insert: "annual"

20. Page 25, lines 17 through 18.
Strike: "the average" on line 17 through "20-9-622" on line 18
Insert: "$56 million"

21. Page 30, line 23.
Following: "20-9-310."
Insert: "Oil and natural gas revenue bonds to which a tax deficiency is pledged are not considered general obligation bonds that are eligible to receive guaranteed tax base aid pursuant to 20-9-367 but are to be considered in determining the debt limit of a school district for the purposes of 20-9-406."

22. Page 31, line 5.
Following: "bonds"
Insert: "and, if oil and natural gas revenue bonds, whether a tax deficiency is pledged to the repayment of the bonds"

23. Page 31, line 26.
Following: "bonds"
Insert: "and, if oil and natural gas revenue bonds, whether a tax deficiency is pledged to the repayment of the bonds"

24. Page 32, line 22.
Following: "gas revenue,"
Insert: "oil and natural gas revenue for which a tax deficiency is pledged,"

25. Page 33, line 8.
Following: "gas revenue,"

Insert: "oil and natural gas revenue for which a tax deficiency is pledged,"

26. Page 35, line 2 through line 4.
Following: "20-9-514" on line 2
Strike: "or" on line 2 through "15-36-331(3)" on line 4

27. Page 36, line 1.
Following: "payment"
Insert: "or reimbursement of the payment"

28. Page 36, line 2.
Following: "debt"
Insert: "in the current or ensuing fiscal year, or both"

29. Page 36, line 3.
Following: "until"
Strike: "all other expenses or claims are"
Insert: "the bonded debt is"

30. Page 36, line 4 and line 5.
Following: "for" on line 4
Strike: "the" on line 4 through "including" on line 5

31. Page 36, line 10.
Following: line 9
Insert: "Section 24. Section 20-9-438, MCA, is amended to read:

"20-9-438. Preparation of general obligation debt service fund budget -- operating reserve. (1) The trustees of each school district having outstanding general obligation bonds shall include in the debt service fund of the final budget adopted in accordance with 20-9-133 an amount of money that is necessary to pay the interest and the principal amount becoming due during the ensuing school fiscal year for each series or installment of bonds, according to the terms and conditions of the bonds and the redemption plans of the trustees.

(2) The trustees shall also include in the debt service fund of the final budget:

(a) the amount of money necessary to pay the special improvement district assessments levied against the school district that become due during the ensuing school fiscal year; ~~and~~

(b) a limited operating reserve for the school fiscal year following the ensuing school fiscal year as provided in subsection ~~(3)~~ (4); and

(c) an amount to satisfy the reserve requirement for oil and natural gas revenue bonds.

(3) The trustees of a school district having outstanding oil and natural gas bonds shall include in the debt service reserve account of the final budget adopted in accordance with 20-9-133 oil and natural gas production taxes received by a school district or other legally available funds sufficient to satisfy the reserve requirement. Funds remaining in the debt service reserve account may not be reappropriated or reverted and must be used for the purposes set forth in [section 27].

~~(3)~~(4) At the end of each school fiscal year, the trustees of a school district may designate a portion of the end-of-the-year fund balance of the debt service fund to be earmarked as a limited

operating reserve for the purpose of paying, whenever a cash flow shortage occurs, debt service fund warrants and bond obligations that must be paid from July 1 through November 30 of the school fiscal year following the ensuing school fiscal year. Any portion of the debt service fund end-of-the-year fund balance not earmarked for limited operating reserve purposes must be reappropriated to be used for property tax reduction as provided in 20-9-439.

~~(4)~~(5) The county superintendent shall compare the final budgeted amount for the debt service fund with the bond retirement and interest requirement and the special improvement district assessments for the school fiscal year just beginning as reported by the county treasurer in the statement supplied under the provisions of 20-9-121. If the county superintendent finds that the requirement stated by the county treasurer is more than the final budget amount, the county superintendent shall increase the budgeted amount for interest or principal in the debt service fund of the final budget. The amount confirmed or revised by the county superintendent is the final budget expenditure amount for the debt service fund of the school district.""
Renumber: subsequent sections

32. Page 37, line 16 through line 17.
Following: "account" on line 16
Strike: ". All" on line 16 through "account" on line 17

33. Page 40, line 28 through page 41, line 5.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

34. Page 41, line 8.
Strike: "distributed"
Insert: "reserved for an appropriation in the next regular session of the legislature"

35. Page 41, line 9.
Strike: "as provided in subsection (3)"
Insert: "referred to in 20-9-306"

36. Page 41, line 12.
Strike: "(4)(b)"
Insert: "(3)(b)"

37. Page 41, line 20.
Strike: "(4)(b)(i)"
Insert: "(3)(b)(i)"

38. Page 42, line 9.
Strike: "20-9-310(4)(a) through (4)(e)"
Insert: "20-9-310(4)(a)(i) through (4)(a)(iv) have occurred"

39. Page 42, line 10.

Strike: "20-9-310(4)(f)"
Insert: "20-9-310(4)(b)"

40. Page 42, line 15 through 18.
Strike: section 32 in its entirety
Renumber: subsequent sections

41. Page 42, line 26.
Strike: "25, and 29"
Insert: "27, and 31"

42. Page 42, line 27.
Strike: "25, and 29"
Insert: "27, and 31"

43. Page 42, line 28.
Strike: "24"
Insert: "26"

44. Page 42, line 29.
Strike: "24"
Insert: "26"

45. Page 43, line 1.
Strike: "retroactive"

46. Page 43, line 2.
Strike: "subsections (2) and (3)"
Insert: "subsection (2)"

47. Page 43, lines 4 and 5.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

48. Page 43, line 6.
Strike: "26 and 27"
Insert: "28 and 29"

And, as amended, do pass. Report adopted.

SJR 10, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 2/7/2013
SB 196, introduced bill, be amended as follows:

1. Page 1, line 23.
Strike: "subsections"
Insert: "subsection"
Strike: "and (4)"
Following: "a"
Strike: remainder of line 23 through "enforcement" on line 24
Insert: "government"

2. Page 1, line 25.
Following: "used"
Insert: ":"
Strike: "only"
Insert: "(a)"

3. Page 1, line 26.
Strike: "(a)"
Insert: "(i)"

4. Page 1, line 27.
Strike: "(b)"
Insert: "(ii)"

Following: "requirement"
Insert: ";(b) to monitor public lands or international borders; or
(c) to monitor private lands with the consent of the landowner"

5. Page 1, line 28.
Strike: "unlawful"

6. Page 1, line 30.
Following: "warrant"
Insert: "unless the information was obtained under the circumstances described in subsection (2)(a) or (2)(c)"

7. Page 2, line 1.
Strike: subsection (4) in its entirety

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/6/2013
SB 149, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "7"
Insert: "12"

2. Page 1, line 17.
Strike: "7"
Insert: "18"

3. Page 6, line 9.
Strike: "A"
Insert: "An immunization-certified"

4. Page 6, line 12.
Following: "influenza"
Strike: ", pneumonia, or tetanus, diphtheria, and pertussis"
Strike: "7"
Insert: "12"

5. Page 6, line 14 through line 15.
Strike: "immunizations" on line 14 through "schedule" on line 15
Insert: "pneumococcal polysaccharide vaccine and tetanus and diphtheria"

6. Page 6, line 16 through line 17.
Strike: "any" on line 16 through "older" on line 17
Insert: "herpes zoster to those individuals identified in the guidelines published by the United States centers for disease control and prevention's advisory committee on immunization practices"

7. Page 6, line 18.
Strike: "7"
Insert: "12"

8. Page 6, line 26.
Following: "immunized"
Insert: "and to the individual who is immunized"

9. Page 7, line 1.
Strike: "term "vaccine"
Insert: "following definitions apply: (a) "Immunization-certified pharmacist" means a pharmacist who has successfully completed a course of training approved by the United States centers for disease control and prevention, by a provider accredited by the accreditation counsel for pharmacy education, or by an authority approved by the board and who holds a current basic cardiopulmonary resuscitation certification issued by the American heart association, the American red cross, or other recognized provider. (b) "Vaccine"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/6/2013
HB 60, be concurred in. Report adopted.

HJR 1, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/6/2013

HB 157, introduced by Connell
HB 187, introduced by Flynn
HB 206, introduced by Flynn
HB 210, introduced by McClafferty

MOTIONS

HB 107 - Senator Sesso moved consideration of **HB 107** be passed for the day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 255, introduced by Stewart-Peregoy, Augare, Brockie, Calf Boss Ribs, Pease-Lopez, B. Smith, Whitford, Windy Boy, referred to Business, Labor, and Economic Affairs.
SB 256, introduced by F. Moore, Arthun, Debby Barrett, Boulanger, Brenden, T. Brown, Flynn, Harris, Redfield, Ripley, Rosendale, Salomon, Taylor, Thomas, Vincent, Walker, referred to Fish and Game.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 12, introduced by Phillips, Reichner, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 18, introduced by Hollenbaugh (by request of the Legislative Finance Committee), referred to Finance and Claims.
HB 28, introduced by Bangerter (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 30, introduced by Washburn, referred to State Administration.
HB 38, introduced by Ingraham (by request of the Department of Administration and the State Library Commission), referred to State Administration.
HB 68, introduced by MacDonald (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 81, introduced by Ankney (by request of the State Auditor), referred to Finance and Claims.
HB 91, introduced by Lynch (by request of the Public Employees' Retirement Board), referred to State Administration.
HB 122, introduced by B. Bennett (by request of the Public Employees' Retirement Board), referred

to State Administration.
HB 123, introduced by Regier, referred to Public Health, Welfare and Safety.
HB 127, introduced by Berry (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 140, introduced by Berry (by request of the Department of Justice), referred to Judiciary.
HB 152, introduced by Fitzpatrick, referred to Taxation.
HB 154, introduced by D. Moore, referred to Local Government.
HB 162, introduced by Flynn, Fitzpatrick, Hansen, referred to Public Health, Welfare and Safety.
HB 182, introduced by Ballance, Greef, Lewis, Thomas, referred to Education and Cultural Resources.
HB 188, introduced by Regier, Cuffe, Hagan, Keane, Knudsen, McChesney, Noonan, O'Hara, Schreiner, Sesso, referred to Energy and Telecommunications.
HB 192, introduced by Hagan, referred to Taxation.
HB 194, introduced by Ingraham, referred to Local Government.
HB 199, introduced by Noonan, Curtis, Keane, Lynch, McClafferty, Pierson, Sesso, Swanson, Vuckovich, referred to Business, Labor, and Economic Affairs.
HB 226, introduced by D. Jones, Kary, C. Smith, referred to Energy and Telecommunications.
HB 250, introduced by Bangerter, Berry, Blasdel, C. Smith, Sonju, referred to Business, Labor, and Economic Affairs.
HB 261, introduced by Berry, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wanzenried in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 73 - Senator Brenden moved **HB 73** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 44

Nays: Barrett Dick, Kaufmann, Malek, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 23 - Senator Rosendale moved **SB 23** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Paired: Moore, Aye; Augare, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 8 - Senator Larsen moved **SJR 8** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 17 - Senator Murphy moved **HB 17** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones,

Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 137 - Senator Jent moved **HB 137** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Wanzenried moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Kaufmann, Phillips, Sesso.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

MOTIONS

HB 73 - Senator Van Dyk moved the Senate suspend the rules and place **HB 73** on third reading this date. The motion passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 46

Nays: D. Brown, Stewart-Peregoy, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 105 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 23

Paired: Moore, Aye; Augare, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 144 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann, Phillips.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 11 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SR 3 adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Paired: Moore, Aye; Augare, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 73 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 45

Nays: Barrett Dick, Kaufmann, Stewart-Peregoy, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

MOTIONS

Senator Malek moved to change her vote on **SB 105** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, February 8, 2013, the twenty-eighth legislative day. Motion carried.

Senate adjourned at 1:57 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 8, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/8/2013

Correctly printed: **SB 23**, **SB 255**, **SB 256**, **SJR 8**, **SJR 10**, **SJR 12**, **HB 17**, **HB 60**, **HB 137**, **HJR 1**.
Correctly engrossed: **SB 14**, **SB 81**, **SB 149**, **SB 171**, **SB 175**, **SB 196**
Correctly enrolled: **SR 3**.
Transmitted to the House: **SB 11**, **SB 105**, **SB 144**.
Examined by the sponsor and found to be correct: **SR 3**.
Signed by the Secretary of the Senate at 2:15 p.m., February 7, 2013: **SB 29**, **SB 46**, **SB 64**.
Signed by the President at 2:40 p.m., February 7, 2013: **SB 29**, **SB 46**, **SB 64**.
Signed by the Speaker at 4:25 p.m., February 7, 2013: **SB 29**, **SB 46**, **SB 64**.
Delivered to the Governor for approval at 9:39 a.m., February 8, 2013: **SB 29**, **SB 46**, **SB 64**.
Signed by the Secretary of the Senate at 9:00 a.m., February 8, 2013: **SR 3**.
Signed by the President at 9:00 a.m., February 8, 2013: **SR 3**.
Delivered to the Secretary of State at 10:53 a.m., February 8, 2013: **SR 3**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 2/7/2013
SB 86, introduced bill, be amended as follows:

1. Page 2, line 20.
Following: "Notice"
Strike: "to the" through "furnished"

2. Page 2, line 21.
Following: "sale"
Insert: "to the owner or person at whose request the feed or material was furnished and to any other person holding a lien on the animals"

And, as amended, do pass. Report adopted.

SB 211, introduced bill, be amended as follows:

1. Page 1, line 22.

Following: "auditor"
Insert: "during regularly scheduled financial compliance audits"

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 2/7/2013
SB 118, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "DATE"
Insert: " AND A TERMINATION DATE"

2. Page 1, line 22.
Strike: "Applicants" through "license."

3. Page 2, line 3.
Following: page 2, line 2
Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates December 31, 2023."

And, as amended, do pass. Report adopted.

SB 197, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "CERTIFICATE FOR"
Insert: "CERTAIN"

2. Page 1, line 11.
Strike: "of any age"
Insert: "who is 9 years of age or older and"

3. Page 1, line 20.
Strike: "18"
Insert: "21"

4. Page 2, line 7.
Strike: "license preference system"
Insert: "drawing with a limited quota"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/7/2013
SB 202, introduced bill, be amended as follows:

1. Title, line 7.
Following: "GRADE"
Insert: "CROSSING"

2. Page 3, line 9.
Strike: "stop and"
Insert: "yield the right-of-way, slowing down or stopping if necessary, to a pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk at an intersection. If the operator stops, the operator shall"

3. Page 3, line 25 through line 28.
Strike: "a driver" on line 25 through "trains" on line 28
Insert: "a person may not operate a vehicle into a crosswalk, intersection, or railroad grade crossing unless there is sufficient space on the other side of the crosswalk, intersection, or railroad grade crossing to accommodate the vehicle without obstructing or impeding pedestrians, vehicles, or movement of rail traffic"

And, as amended, do pass. Report adopted.

SB 225, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 2/8/2013
SB 9, do pass. Report adopted.
SB 160, introduced bill, be amended as follows:

1. Page 1, line 16.
Strike: "obtain"
Insert: "seek reasonable"
Following: "apparent"
Insert: "acute"

2. Page 1, line 17.
Strike: "care"
Insert: "physical custody"
Following: "previously"
Insert: "purposely or knowingly"

3. Page 1, line 18.
Strike: "the"
Insert: "a"

4. Page 1, line 19.
Strike: "care"
Insert: "physical custody"

5. Page 1, line 22.
Following: "drugs"
Insert: "in violation of 61-8-401, 61-8-406, 61-8-410, or 61-8-465"

6. Page 1, line 24.
Following: "failing to"
Insert: "attempt to"
Following: "of"
Insert: "nonorganic"

7. Page 1, line 25.
Following: line 24
Insert: "(2) A person may not be charged under subsection (1)(b) or (1)(c) if the person placed the child in the other person's custody pursuant to a court order."
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 187, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/8/2013
SB 179, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND WITHHOLDING"

2. Title, page 1, line 7 through line 9.
Strike: "ELIMINATING" on line 7 through "ENTITIES;" on line 9

3. Title, page 1, line 10.
Strike: "AND INTEREST"

4. Title, page 1, line 11.
Strike: "AMENDING SECTION 15-30-3313, MCA;"

5. Title, page 1, line 12.
Following: "DATE AND"
Insert: "AN"
Strike: "DATES"
Insert: "DATE"

6. Page 1, line 16 through page 4, line 2.
Strike: section 1 in its entirety
Renumber: subsequent sections

7. Page 4, line 4.
Strike: "Each"
Insert: "Subject to subsection (4), each"

8. Page 4, line 9.
Following: "is subject to"
Insert: "a"
Strike: "and interest"

9. Page 4, line 14.
Following: "demonstrates that"
Insert: "software that satisfies the conditions of this section is not readily available or that"

10. Page 4, line 19.
Strike: "2"
Insert: "1"

11. Page 4, line 21.
Strike: "2"
Insert: "1"

12. Page 4, line 29.
Strike: "(1)"

13. Page 4, line 29 through line 30.
Strike: "December" on line 29 through "2013" on line 30
Insert: "[the effective date of this act]"

14. Page 5, line 1.
Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

SB 209, introduced bill, be amended as follows:

1. Page 3, line 3.
Strike: "undertakings"
Insert: "capital projects"

2. Page 3, line 5.
Following: "district"
Insert: ", except four of the five board members shall conclude that the projected useful life of the public facilities, improvements, or capital projects will be greater than the term of the bonds that were issued to construct the public facilities, improvements, or capital projects"

3. Page 3, line 10.
Following: "determines that the"
Insert: "annual"
Strike: "is not greater than"
Insert: "payment on the bonds issued will not cumulatively exceed"

And, as amended, do pass. Report adopted.

HB 32, be concurred in. Report adopted.
HB 111, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 2/7/2013

SJR 2, introduced by Tutvedt

House bills passed and transmitted to the Senate for concurrence: 2/7/2013

HB 27, introduced by Washburn
HB 78, introduced by Regier
HB 133, introduced by Berry
HB 214, introduced by Wagoner
HB 217, introduced by Howard
HB 251, introduced by Ingraham
HB 258, introduced by B. Smith
HB 296, introduced by Ingraham

HB 79, introduced by Berry, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 2/7/2013
Yeas - 87
Nays - 7

House joint resolution passed and transmitted to the Senate for concurrence: 2/7/2013

HJR 5, introduced by O'Neil

MOTIONS

Senator Facey moved **SB 107** be returned to the Judiciary committee for the purpose of an amendment. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 257, introduced by L. Jones, Arntzen, Cook, Hollandsworth, Ripley, referred to Education and Cultural Resources.
SB 258, introduced by Wittich, Ankney, Arthun, B. Bennett, Berry, Blasdel, Coffin, Dudik, Eck, Facey, Fitzpatrick, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Jent, Keane, Larsen, MacDonald, Reichner, Sesso, Tropila, Tutvedt, Williams, Windy Boy, referred to State Administration.
SB 259, introduced by Arntzen, Laszloffy, referred to Judiciary.
SB 260, introduced by Thomas, Boulanger, referred to Fish and Game.
SB 261, introduced by Malek, referred to State Administration.
SB 262, introduced by Brenden, referred to Judiciary.
SB 263, introduced by Hamlett, Connell, referred to Natural Resources.
SB 264, introduced by Arntzen, referred to Energy and Telecommunications.
SB 265, introduced by Jackson, referred to Natural Resources.
SB 266, introduced by Rosendale, referred to State Administration.
SB 267, introduced by Thomas, Phillips, Wanzenried, referred to Judiciary.
SB 268, introduced by Thomas, Ballance, Boulanger, Ehli, referred to Agriculture, Livestock and Irrigation.
SB 269, introduced by Walker, referred to Finance and Claims.
SB 270, introduced by Buttrey, Caferro, Fitzpatrick, Noonan, Priest, referred to Public Health, Welfare and Safety.
SB 271, introduced by Thomas, referred to Local Government.
SB 272, introduced by Windy Boy, B. Bennett, Boland, Caferro, Dudik, Gursky, Hamlett, Kaufmann, Lieser, Pease-Lopez, Peppers, Pierson, B. Smith, Stewart-Peregoy, Vuckovich, Whitford, referred to Public Health, Welfare and Safety.
SB 273, introduced by Stewart-Peregoy, Augare, Brockie, Pease-Lopez, Peppers, B. Smith, Whitford, Windy Boy, referred to State Administration.
SB 274, introduced by Blewett, referred to Judiciary.
SB 275, introduced by Buttrey, Arthun, Edmunds, Hagan, Ingraham, Jent, Larsen, McCarthy, Mehlhoff, Williams, Wittich, referred to Highways and Transportation.
SB 276, introduced by Arthun, Larsen, Regier, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 67, introduced by B. Bennett (by request of the Commissioner of Political Practices), referred to Judiciary.
HB 129, introduced by Gibson, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator T. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 107 - Senator Augare moved **HB 107** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Barrett Debby, D. Brown, Sales, Sonju, Vincent, Walker, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 112 - Senator Blewett moved **SB 112** do pass. Motion carried as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 33

Nays: Arntzen, Arthun, Brenden, D. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 58 - Senator Facey moved **HB 58** be concurred in. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk,

Vuckovich, Wanzenried.
Total 20

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 58 - Senator Wittich moved **HB 58** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120 - Senator Buttrey moved **SB 120** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Jones, Larsen, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Barrett Dick, Blewett, D. Brown, Caferro, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Malek, Murphy, Phillips, Sesso, Thomas, Tropila, Van Dyk, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 96 - Senator Tutvedt moved **SB 96** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 34

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 138 - Senator Wittich moved **SB 138** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair T. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Blewett, Caferro, Facey, Hamlett, Kaufmann, Keane, Malek, Phillips, Sesso, Vuckovich, Wanzenried.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 23 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 8 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr.

President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 17 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 137 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Jones thanked the pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, February 9, 2013, the twenty-ninth legislative day. The motion carried.

Senate adjourned at 3:11 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 9, 2013 — State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brenden, Jent, and Priest, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/9/2013
Correctly printed: **SB 9**, **SB 96**, **SB 112**, **SB 120**, **SB 138**, **SB 187**, **SB 225**, **SB 257**, **SB 258**, **SB 259**, **SB 260**, **SB 261**, **SB 262**, **SB 263**, **SB 264**, **SB 265**, **SB 266**, **SB 267**, **SB 268**, **SB 269**, **SB 270**, **SB 271**, **SB 272**, **SB 273**, **SB 274**, **SB 275**, **SB 276**, **HB 32**, **HB 107**, **HB 111**.
Correctly engrossed: **SB 86**, **SB 118**, **SB 160**, **SB 179**, **SB 197**, **SB 202**, **SB 209**, **SB 211**.
Correctly enrolled: **SJR 2**.
Transmitted to the House: **SB 23**, **SJR 8**, **HB 17**, **HB 137**.
Examined by the sponsor and found to be correct: **SJR 2**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 2/8/2013
HB 40, be concurred in. Report adopted.
HB 52, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 2/7/2013
SB 106, introduced bill, be amended as follows:

1. Page 3, line 1.
Following: "cells;"
Insert: "and"

2. Page 3, line 2 through line 4.
Strike: line 2 through line 4

3. Page 3, line 5.
Strike: "(l)"
Insert: "(i)"

4. Page 3, line 5 through line 8.
Strike: the second "the" on line 5 through "generator" on line 8
Insert: ":
(i) the sources identified in this subsection (10) of electricity production from a multiple-fuel process with fossil fuels;
(ii) flywheel storage as defined in 15-6-157(4)(d);

(iii) hydroelectric pumped storage as defined in 15-6-157(4)(e);
(iv) batteries; and
(v) compressed air derived from any of the sources in this subsection (10) that is forced into an underground storage reservoir and later released, heated, and passed through a turbine generator"

5. Page 3.
Following: line 29
Insert: "(15) "Renewable energy fraction" means the proportion of electricity output directly attributable to electricity and associated renewable energy credits produced by one of the sources identified in subsection (10)."
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 180, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.
Strike: "PUBLIC" on line 4 through the first "A" on line 6

2. Title, page 1, line 7.
Strike: "SECTIONS" through "AND"
Insert: "SECTION"

3. Page 1, line 12.
Strike: "sections"
Insert: "section"
Strike: "are"
Insert: "is"

4. Page 1, line 14.
Strike: line 14 in its entirety

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 2/8/2013
HB 47, be amended as follows:

1. Page 3, line 9.
Strike: "second Thursday after the second Tuesday"
Insert: "later of the first Thursday after the first Tuesday"

And, as amended, be concurred in. Report adopted.

HB 148, be amended as follows:

1. Page 2, line 26.
Strike: "structure"

2. Page 3, line 8.
Strike: "structure"

3. Page 3, line 12.
Strike: "and antenna support structure"

4. Page 3, line 17.
Strike: "structure"

5. Page 3, line 21.
Strike: "and antenna support structure"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/8/2013
SB 201, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/8/2013
HB 164, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

February 8, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Friday, February 08, 2013, I signed the following bills:
Senate Bill 8 - Murphy
Senate Bill 50 - Augare

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/8/2013

SB 15, introduced by Wanzenried
SB 16, introduced by Dick Barrett
SB 30, introduced by Buttrey
SB 32, introduced by Facey
SB 87, introduced by F. Moore

House bills passed and transmitted to the Senate for concurrence: 2/8/2013

HB 71, introduced by MacDonald
HB 89, introduced by Lynch
HB 195, introduced by Ingraham
HB 200, introduced by Fitzpatrick
HB 239, introduced by C. Smith

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 277, introduced by Peterson, Ripley, Tutvedt, referred to State Administration.
SB 278, introduced by Peterson, Debby Barrett, Dick Barrett, Connell, Lang, Salomon, Williams, referred to Natural Resources.
SB 279, introduced by Peterson, Brenden, Murphy, referred to Judiciary.
SB 280, introduced by Thomas, Flynn, Knudsen, Miller, Tutvedt, referred to Taxation.
SB 281, introduced by Phillips, Dick Barrett, Coffin, referred to Natural Resources.
SB 282, introduced by Tutvedt, referred to Taxation.
SB 283, introduced by Murphy, T. Brown, Galt, Hansen, Malek, McNiven, referred to Education and Cultural Resources.
SB 284, introduced by Rosendale, Debby Barrett, Brenden, Doane, Sonju, Taylor, Walker, White, referred to Local Government.
SB 285, introduced by Sales, Arntzen, G. Bennett, Blasdel, Boulanger, Brenden, D. Brown, Fielder, Jackson, Kerns, Lewis, Miller, O'Neil, Randall, Regier, Ripley, Sonju, Taylor, Thomas, Vance, Vincent, Walker, White, referred to Fish and Game.
SB 286, introduced by Sales, Blasdel, D. Brown, Shaw, Van Dyk, referred to Fish and Game.
SB 287, introduced by Dick Barrett, Jergeson, Kaufmann, Malek, McNally, Phillips, Pomnichowski, Wilson, referred to Taxation.
SB 288, introduced by Vincent, Olson, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jergeson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 173 - Senator Keane moved **SB 173** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 34

Nays: Arntzen, Boulanger, D. Brown, T. Brown, Facey, Jackson, Phillips, Rosendale, Sales, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.
Total 15

Paired: Brenden, Jent, Aye; Facey, Tutvedt, No.

Absent or not voting: None.
Total 0

Excused: Priest.
Total 1

SB 127 - Senator Buttrey moved **SB 127** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jent, Priest.
Total 3

SB 174 - Senator Keane moved **SB 174** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 40

Nays: Barrett Debby, Lewis, Taylor, Thomas, Tutvedt, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Brenden, Jent, Priest.
Total 3

SB 183 - Senator Arntzen moved **SB 183** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jent, Priest.
Total 3

SJR 11 - Senator D. Brown moved **SJR 11** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: T. Brown, Moore, Wittich.
Total 3

Paired: Brenden, Aye; Moore, No.

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

SB 213 - Senator Larsen moved **SB 213** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Jent, Priest.
Total 3

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Jergeson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Sales, Thomas.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Jent, Priest.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 107 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Sonju, Vincent, Walker.
Total 3

Absent or not voting: None.
Total 0

Excused: Brenden, Jent, Priest.
Total 3

SB 112 passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 33

Nays: Arthun, Brenden, D. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Ripley, Rosendale, Sales, Sonju, Taylor, Walker, Webb.
Total 15

Paired: Larsen, Aye; Brenden, No.

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

SB 120 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Barrett Dick, Blewett, D. Brown, Caferro, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sales, Sesso, Thomas, Tropila, Van Dyk, Wanzenried.
Total 19

Paired: Brenden, Aye; Larsen, No.

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

SB 96 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 33

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 16

Paired: Brenden, Priest, Aye; Blewett, Larsen, No.

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 138 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Paired: Brenden, Priest, Aye; Blewett, Larsen, No.

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

MOTIONS

Senator Ripley moved **SB 127** and **SB 173** be referred to the Finance and Claims committee. Senator Buttrey reminded the body that an amendment to **SB 127** had removed the fiscal impact; President Essmann will request an updated fiscal note. The motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Hamlett, Jergeson, Malek, Sonju, Stewart-Peregoy, Walker, Wanzenried.
Total 7

Absent or not voting: None.
Total 0

Excused: Brenden, Jent, Priest.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, February 11, 2013, the thirtieth legislative day. Motion carried.

Senate adjourned at 9:22 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 11, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Olson and Wanzenried, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/11/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth through twentieth legislative days, find the same to be correct.

Correctly printed: **SB 174**, **SB 183**, **SB 201**, **SB 213**, **SB 277**, **SB 278**, **SB 279**, **SB 280**, **SB 281**, **SB 282**, **SB 283**, **SB 284**, **SB 285**, **SB 286**, **SB 287**, **SB 288**, **SJR 11**, **HB 40**, **HB 52**, **HB 164**.
Correctly enrolled: **SB 15**, **SB 16**, **SB 30**, **SB 32**, **SB 39**, **SB 87**.
Correctly engrossed: **SB 106**, **SB 180**, **HB 47**, **HB 148**.
Transmitted to the House: **SB 96**, **SB 112**, **SB 120**, **SB 138**, **HB 107**.
Signed by the Secretary of the Senate at 8:45 a.m., February 9, 2013: **SJR 2**.
Signed by the President at 3:55 p.m., February 11, 2013: **SJR 2**.
Signed by the Speaker at 4:05 p.m., February 11, 2013: **SJR 2**.

Senator Olson joined the Senate.

MESSAGES FROM THE GOVERNOR

February 11, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Monday, February 11, 2013, I signed the following Senate bill: **SB 29** - Buttrey

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/9/2013
SB 39, introduced by Vincent

House bills passed and transmitted to the Senate for concurrence: 2/9/2013
HB 181, introduced by Ballance
HB 262, introduced by Hill
HB 291, introduced by Kerns
HB 320, introduced by B. Bennett

House joint resolutions passed and transmitted to the Senate for concurrence: 2/9/2013
HJR 3, introduced by O'Neil
HJR 7, introduced by Connell

MOTIONS

SB 197 - Senator Boulanger moved consideration of **SB 197** be passed to February 13, 2013, the thirty-second legislative day. Without objection, so ordered.

SB 209 - Senator Arthun moved consideration of **SB 209** be passed for the day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 289, introduced by Facey, referred to Business, Labor, and Economic Affairs.
SB 290, introduced by Arntzen, Hagstrom, referred to Local Government.
SB 291, introduced by Arntzen, referred to Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 27, introduced by Washburn, referred to Fish and Game.
HB 78, introduced by Regier (by request of the Teachers' Retirement Board), referred to State Administration.
HB 79, introduced by Berry (by request of the State Auditor), referred to State Administration.
HB 133, introduced by Berry (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 214, introduced by Wagoner, Ankney, Greef, Lewis, Redfield, referred to State Administration.
HB 217, introduced by Howard, Blasdel, Brodehl, Doane, Kary, Knudsen, Lenz, O'Hara, Osmundson, Redfield, Salomon, C. Smith, referred to State Administration.
HB 251, introduced by Ingraham, referred to State Administration.
HB 258, introduced by B. Smith, B. Bennett, Boland, Lieser, McClafferty, McNally, Pierson,

Pomnichowski, Price, Steenberg, Wilson, Woods, referred to Local Government.
HB 296, introduced by Ingraham, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 5, introduced by O'Neil, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 86 - Senator F. Moore moved **SB 86** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 211 - Senator F. Moore moved **SB 211** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

HB 55 - Senator Tutvedt moved **HB 55** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich.
Total 48

Nays: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

Senator Wanzenried joined the Senate.

SB 202 - Senator Kaufmann moved **SB 202** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 37

Nays: Boulanger, Brenden, D. Brown, T. Brown, Moore, Priest, Ripley, Sales, Sonju, Vincent, Walker, Webb, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 60 - Senator Webb moved **HB 60** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 43

Nays: Priest, Sales, Sonju, Vincent, Walker, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 32 - Senator Phillips moved **HB 32** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 41

Nays: Barrett Debby, Brenden, Ripley, Sales, Sonju, Walker, Webb, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 111 - Senator Tutvedt moved **HB 111** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Sonju, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 179 - Senator Kaufmann moved **SB 179** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 38

Nays: Barrett Debby, Brenden, Jackson, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Vincent, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 174 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 40

Nays: Facey, Fielder, Lewis, Phillips, Taylor, Thomas, Tutvedt, Vincent, Wittich, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 183 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 11 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: T. Brown, Moore, Ripley, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 213 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator T. Brown moved to change his vote on **SB 174** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Brenden introduced this week's pages:

Brittani Foshag, Missoula

Hannah Good, Great Falls
Abigail Helland, Glasgow
Layton Hrubes, Glendive
Parker Spratling, Billings
Grant Walker, Billings

Senator Wanzenried rose on a point of inquiry to ask if there is criteria for bills being referred to Finance & Claims after second reading, specifically whether there is a threshold amount and, if so, whether the threshold will apply to both expenditures and revenue. Senator Ripley, chair of the Finance & Claims committee, replied the traditional threshold is $50,000 and it applies to both expenditure and revenue bills.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, February 12, 2013, the thirty-first legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 12, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/12/2013

Correctly printed: **SB 86**, **SB 179**, **SB 202**, **SB 211**, **SB 289**, **SB 290**, **SB 291**, **HB 32**, **HB 55**, **HB 60**, **HB 111**.
Correctly engrossed: **SB 185**.
Correctly enrolled: **SB 52**, **SB 60**, **SB 72**, **SB 121**.
Examined by the sponsor and found to be correct: **SB 15**, **SB 16**, **SB 30**, **SB 32**, **SB 39**, **SB 52**, **SB 60**, **SB 72**, **SB 87**, **SB 121**.
Signed by the Secretary of the Senate at 8:45 a.m., February 9, 2013: **SJR 2**.
Transmitted to the House: **SB 174**, **SB 183**, **SB 213**, **SJR 11**.
Signed by the President at 3:55 a.m., February 11, 2013: **SJR 2**
Signed by the Speaker at 4:05 p.m., February 11, 2013: **SJR 2**.
Delivered to the Secretary of State at 8:43 a.m., February 12, 2013: **SJR 2**.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Arthun, Chair): 2/11/2013
SB 153, do pass. Report adopted.
SB 185, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AN HONORABLY DISCHARGED"
Insert: "A"

2. Page 2, line 3 through line 4.
Strike: "an honorably" on line 3 through "discharged" on line 4
Insert: "a"

3. Page 2, line 16 through line 17.
Following: "to" on line 16
Strike: "an" on line 16 through "honorably discharged" on line 17
Insert: "a"

4. Page 2, line 17.

Following: "for which the"
Strike: "honorably discharged"

5. Page 2, line 23.
Strike: "an honorably discharged"
Insert: "a"

6. Page 3, line 26.
Strike: "honorably"

7. Page 3, line 27.
Following: "discharged"
Insert: "under honorable conditions as defined in 39-29-101"

8. Page 5, line 10.
Following: "section,"
Insert: "if"

9. Page 5, line 11.
Strike: "shall use the"
Insert: "uses a"
Following: "scoring procedure"
Insert: ", the employer shall follow the guidelines"
Following: "39-29-102"
Strike: ", if available, and if not available"
Insert: "if an applicant requests a veterans' or disabled veterans' preference. If a scoring procedure is not used, the employer shall"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/11/2013

SB 52, introduced by Keane
SB 60, introduced by Vuckovich
SB 72, introduced by Debby Barrett
SB 121, introduced by Fielder

House bills passed and transmitted to the Senate for concurrence: 2/11/2013

HB 224, introduced by C. Smith
HB 225, introduced by C. Smith
HB 232, introduced by Knudsen
HB 264, introduced by Ingraham

HB 280, introduced by C. Smith
HB 333, introduced by Price
HB 347, introduced by Fitzpatrick

MOTIONS

SB 118 - Senator Thomas moved consideration of **SB 118** be passed to Saturday, February 16, 2013, the thirty-fifth legislative day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 292, introduced by Tutvedt, referred to Public Health, Welfare and Safety.
SB 293, introduced by Tutvedt, referred to Local Government.
SB 294, introduced by Arntzen, Berry, Hunter, referred to Business, Labor, and Economic Affairs.
SB 295, introduced by Kaufmann, referred to Taxation.
SB 296, introduced by Thomas, referred to Public Health, Welfare and Safety.
SB 297, introduced by Arntzen, Knudsen, referred to Public Health, Welfare and Safety.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 13, introduced by T. Brown, Ankney, Arntzen, Arthun, Ballance, Debby Barrett, Berry, Brenden, Buttrey, Driscoll, Fielder, Fiscus, Hamlett, Hollandsworth, Jackson, D. Jones, L. Jones, Larsen, Lewis, Mehlhoff, F. Moore, Olson, Priest, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Walker, Webb, Windy Boy, Wittich, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 209 - Senator Arthun moved **SB 209** do pass.

SB 209 - Senator Arthun moved **SB 209**, second reading copy, be amended as follows:

1. Page 3, line 2.
Following: "(c)"
Insert: "except as provided in subsection (2),"

2. Page 3, line 5.
Following: line 4
Insert: "(2) A resort area district may not issue bonds to construct any single-purpose public facility, improvement, or capital project in an amount exceeding $500,000 without the approval of a majority of the qualified electors residing within the boundaries of the resort area district voting at a special election at a time to be determined by the board. For the purpose of this subsection, the board may authorize a special election by majority vote."
Renumber: subsequent subsections

3. Page 3, line 5 through line 6.
Strike: "EXCEPT" on line 5 through "FIVE" on line 6
Insert: "and the"

4. Page 3, line 6.
Strike: "MEMBERS"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Jergeson, Keane, Malek, Ripley, Tutvedt.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 209 - Senator Arthun moved **SB 209**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Brenden, D. Brown, Fielder, Keane, Murphy, Sales, Sonju, Vincent.

Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 171 - Senator Vuckovich moved **SB 171** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Webb, Windy Boy, Mr. President.
Total 26

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Wanzenried, Wittich.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 40 - Senator Facey moved **HB 40** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Brenden, Priest, Rosendale, Sales.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 52 - Senator T. Brown moved **HB 52** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 42

Nays: Boulanger, Fielder, Priest, Sales, Sonju, Walker, Wittich, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 106 - Senator Jergeson moved **SB 106** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Brenden, Sales, Sonju, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 225 - Senator Arntzen moved **SB 225** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Wittich.
Total 44

Nays: Ripley, Sales, Vincent, Wanzenried, Windy Boy, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 9 - Senator Murphy moved **SB 9** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Jones, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Thomas, Vincent, Walker, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 148 - Senator Tutvedt moved **HB 148** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 149 - Senator Thomas moved **SB 149** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 37

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Fielder, Kaufmann, Keane, Sesso, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Keane, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 86 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 211 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 55 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 202 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 35

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Moore, Priest, Ripley, Sales, Sonju, Thomas, Vincent, Walker, Webb, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 60 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 41

Nays: Boulanger, Priest, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 32 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll,

Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 38

Nays: Arntzen, Boulanger, Brenden, D. Brown, Ripley, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 111 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 179 passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 33

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, Jackson, Malek, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

SB 197 - Senator Priest moved consideration of **SB 197** be passed to Thursday, February 14, 2013, the thirty-third legislative day. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, February 13, 2013, the thirty-second day. Motion carried.

Senate adjourned at 2:14 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 13, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Jent, Priest and Vuckovich, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/13/2013

Correctly printed: **SB 9**, **SB 106**, **SB 149**, **SB 153**, **SB 171**, **SB 225**, **SB 292**, **SB 293**, **SB 294**, **SB 295**, **SB 296**, **SB 297**, **SJR 13**, **HB 40**, **HB 52**, **HB 148**.
Correctly engrossed: **SB 209**.
Correctly enrolled: **SB 111**.
Examined by the sponsor and found to be correct: **SB 111**.
Transmitted to the House: **SB 86**, **SB 179**, **SB 202**, **SB 211**, **HB 32**, **HB 55**, **HB 60**, **HB 111**.
Signed by the Secretary of the Senate at 3:00 p.m., February 12, 2013: **SB 15**, **SB 16**, **SB 30**, **SB 32**, **SB 39**, **SB 52**, **SB 60**, **SB 72**, **SB 87**, **SB 121**.
Signed by the President at 4:38 p.m., February 12, 2013: **SB 15**, **SB 16**, **SB 30**, **SB 32**, **SB 39**, **SB 52**, **SB 60**, **SB 72**, **SB 87**, **SB 121**.
Signed by the Speaker at 8:40 a.m., February 13, 2013: **SB 15**, **SB 16**, **SB 30**, **SB 32**, **SB 39**, **SB 52**, **SB 60**, **SB 72**, **SB 87**, **SB 121**.
Delivered to the Governor for approval at 9:45 a.m., February 13, 2013: **SB 15**, **SB 16**, **SB 30**, **SB 32**, **SB 39**, **SB 52**, **SB 60**, **SB 72**, **SB 87**, **SB 121**.

President Essmann reviewed rules related to disclosures of conflicts of interest.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 2/12/2013
SB 252, do pass. Report adopted.
HB 114, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/12/2013
SB 139, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "businesses"
Insert: "and if subsection (4) does not apply"

2. Page 1.

Following: line 24
Insert: "(4) An agency is not required to prepare a separate small business impact analysis under this section if the agency pursuant to 2-4-405 is preparing or has prepared an economic impact statement regarding adoption, amendment, or repeal of a rule."

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/13/2013
HB 63, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 2/12/2013
SB 58, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: "**transfer.**"
Strike: "There is transferred $10"
Insert: "The department of administration shall transfer $1"

And, as amended, do pass. Report adopted.

SB 114, do pass. Report adopted.
SB 192, introduced bill, be amended as follows:

1. Page 1, line 25.
Strike: "audit committee"
Insert: "fiscal division, in electronic form,"

2. Page 1, line 27.
Following: "number of"
Insert: "vacant"

3. Page 1, line 28.
Following: "number of"
Strike: "vacancies"
Insert: "positions in which a vacancy was"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/12/2013
SB 166, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "FIREFIGHTERS;"
Insert: "REQUIRING THE ATTORNEY GENERAL TO ASSIST IN IMPLEMENTING THE FEE WAIVER FOR PURPLE HEART-TYPE AWARDS AND TO PROVIDE GUIDANCE TO

PUBLIC SAFETY OFFICER'S OR FIREFIGHTER'S ORGANIZATIONS; PROVIDING RULEMAKING AUTHORITY;"

2. Title, page 1, line 6.
Strike: "A DELAYED"
Insert: "AN"

3. Page 1, line 11.
Following: "definitions"
Insert: "-- rules"

4. Page 1, line 16.
Strike: "the"
Insert: "a"
Strike: "heart"
Insert: "heart-type award,"

5. Page 1.
Following: line 29
Insert: "(d) "Purple heart-type award" means an award that is similar to the purple heart medal awarded by the armed forces and that is issued by a recognized public safety officer's or firefighter's organization to any public safety officer or firefighter who is disabled as a result of a duty-connected injury."
Renumber: subsequent subsection

6. Page 1, line 30.
Following: "means"
Insert: "the employer or governing body that employs a public safety officer or firefighter and"

7. Page 2.
Following: line 2
Insert: "(4) The attorney general shall:

(a) adopt rules to implement the provisions of this section, including describing:

(i) the types of duty-connected injuries that may be considered when determining eligibility for a purple heart-type award; and

(ii) the type of recognized public safety officer's or firefighter's organization that the attorney general may designate as an organization that represents and is dedicated to honoring the service of public safety officers or firefighters; and

(b) maintain and make readily available lists of the types of duty-connected injuries described in subsection (4)(a) and the recognized public safety officer's and firefighter's organizations designated by the attorney general; and

(c) assist public safety officer's and firefighter's organizations in designing criteria or programs for purple heart-type awards."

8. Page 6, line 4.

Strike: "January 1, 2014"
Insert: "July 1, 2013"

And, as amended, do pass. Report adopted.

HB 155, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 2/13/2013
SB 189, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "DATE"
Strike: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 4, line 4 through line 7.
Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

SB 195, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.
Following: "PRIVATE" on line 4
Insert: "ELECTRONIC"
Following: "INFORMATION" on line 4
Strike: remainder of line 4 through "ACCOUNTS" on line 5
Insert: "OF JOB APPLICANTS AND EMPLOYEES"

2. Page 1, lines 5 and 6.
Following: "MEDIA" on line 5
Insert: "AND E-MAIL"
Following: "ACCOUNTS" on line 5
Strike: remainder of line 5 through "EMPLOYEES" on line 6

3. Page 1, line 6 and 7.
Strike: "DEFINITIONS" on line 6 through EXCEPTIONS on line 7
Insert: " A DEFINITION"

4. Page 1, line 9 through page 3, line 8.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Employer access to applicant or employee social media.** (1) An employer may not require or request an employee or applicant for employment to:

(a) disclose a user name or password for the purpose of allowing the employer to access personal social media;

(b) access personal social media in the presence of the employer; or

(c) divulge any personal social media or information contained on personal social media.

(2) Nothing in this section precludes an employer from requiring or requesting an employee to disclose a user name, password, or other information for the purpose of accessing an employer-issued electronic device, including but not limited to cell phones, computers, or tablet computers.

(3) An employer may not discharge, discipline, threaten to discharge or discipline, or otherwise retaliate against an employee or applicant for not complying with a request or demand by the employer that violates this section.

(4) As used in this section, "personal social media" means a password-protected electronic service or account or electronic content, including but not limited to videos, still photographs, blogs, video blogs, podcasts, instant and text messages, e-mail, online services or accounts, or internet website profiles or locations."

Insert: "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 39, chapter 2, part 3, and the provisions of Title 39, chapter 2, part 3, apply to [section 1]."

And, as amended, do pass. Report adopted.

SB 238, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/12/2013

SB 111, introduced by Rosendale

House bills passed and transmitted to the Senate for concurrence: 2/12/2013

HB 100, introduced by Ehli
HB 146, introduced by Hansen
HB 147, introduced by Redfield
HB 247, introduced by Lavin
HB 278, introduced by Washburn

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 298, introduced by Windy Boy, Brockie, Caferro, Dudik, Hamlett, Pease-Lopez, referred to Public Health, Welfare and Safety.
SB 299, introduced by F. Moore, referred to Judiciary.
SB 300, introduced by F. Moore, Arthun, Debby Barrett, Berry, Boulanger, Brenden, D. Brown, T. Brown, Clark, Connell, Doane, Flynn, Galt, Glimm, Halvorson, Hamlett, Harris, Howard, L. Jones, Knudsen, Larsen, Lenz, McChesney, Murphy, Olson, Osmundson, Peterson, Randall, Redfield, Ripley, Rosendale, Salomon, Taylor, Thomas, Vincent, Webb, Welborn, referred to Agriculture,

Livestock and Irrigation.
SB 301, introduced by Murphy, T. Brown, Kary, Peterson, Shaw, Welborn, referred to Agriculture, Livestock and Irrigation.
SB 302, introduced by Arntzen, referred to Education and Cultural Resources.
SB 303, introduced by Wittich, referred to Taxation.
SB 304, introduced by Webb, Ballance, G. Bennett, Blasdel, Blyton, Boulanger, Clark, Connell, Doane, Edmunds, Ehli, Fielder, Fiscus, Flynn, Glimm, Greef, Hagan, Halvorson, Jackson, Kary, Kerns, Knudsen, Lenz, McChesney, Miller, Murphy, O'Neil, Randall, Redfield, Reichner, Ripley, Schwaderer, Shaw, C. Smith, Sonju, Taylor, Thomas, Vance, Washburn, Webb, Welborn, White, Wittich, Zolnikov, referred to Judiciary.
SB 305, introduced by Peterson, referred to Fish and Game.
SB 306, introduced by Olson, Kaufmann, Larsen, referred to Judiciary.
SB 307, introduced by Jergeson, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 14, introduced by Olson, Wittich, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Boulanger in the chair.

Senator Vuckovich present at this time.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 196 - Senator Rosendale moved **SB 196** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Larsen, Moore, Murphy, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Van Dyk, Vincent, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Barrett Debby, Brenden, T. Brown, Buttrey, Jackson, Jones, Kaufmann, Keane, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Thomas, Tropila, Tutvedt, Vuckovich.
Total 19

Absent or not voting: None.
Total 0

Excused: Jent, Priest.

Total 2

SB 201 - Senator Hamlett moved **SB 201** do pass.

SB 201 - Senator Hamlett moved **SB 201**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Following: "RISK"
Insert: "AND INTENSITY"

2. Page 2, line 24.
Strike: "cooperative"
Insert: "cooperating and coordinating"
Following: "management"
Insert: "and education"

3. Page 2, line 25.
Following: "risk"
Insert: "and intensity"

4. Page 2, line 26.
Following: "risk"
Insert: "and intensity"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

SB 201 - Senator Hamlett moved **SB 201**, second reading copy, be amended as follows:

1. Page 3, line 7 through line 8.

Strike: "that" on line 7 through "interface" on line 8

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

SB 201 - Senator Hamlett moved **SB 201**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

HB 164 - Senator Blewett moved **HB 164** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Boulanger moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 171 failed as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 24

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Jackson, Lewis, Malek, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor,

Thomas, Tutvedt, Vincent, Walker, Wittich.
Total 25

Paired: Augare, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 40 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: Boulanger, Brenden, Priest, Rosendale, Sales, Sonju, Vincent, Walker, Wittich.
Total 9

Paired: Augare, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 52 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Boulanger, Priest, Ripley, Sales, Sonju, Walker.
Total 6

Paired: Augare, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 106 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Boulanger, Brenden, D. Brown, Sales, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

Vote reflects vote change on motion on the following legislative day.

SB 225 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Ripley, Sales, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

SB 9 passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Jones, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Mr. President.
Total 20

Paired: Augare, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 148 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Peterson.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

SB 149 passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 36

Nays: Arthun, Barrett Dick, Blewett, D. Brown, Caferro, Fielder, Kaufmann, Keane, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Jent, Priest.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, February 14, 2013, the thirty-third legislative day. Motion carried.

Senate adjourned at 2:00 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 14, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/14/2013

Correctly printed: **SB 114**, **SB 196**, **SB 238**, **SB 252**, **SB 298**, **SB 299**, **SB 300**, **SB 301**, **SB 302**, **SB 303**, **SB 304**, **SB 305**, **SB 306**, **SB 307**, **SJR 14**, **HB 63**, **HB 114**, **HB 155**, **HB 164**.
Correctly engrossed: **SB 58**, **SB 81**, **SB 107**, **SB 139**, **SB 166**, **SB 176**, **SB 189**, **SB 192**, **SB 195**, **SB198**, **SB 201, SB 212**, **SB 230**.
Transmitted to the House: **SB 9**, **SB 106**, **SB 149**, **SB 225**, **HB 40**, **HB 52**, **HB 148**.
Signed by the Secretary of the Senate at 2:45 p.m., February 13, 2013: **SB 111**.
Signed by the President at 10:30 a.m., February 14, 2013: **SB 111**.
Signed by the Speaker at 11:40 a.m., February 14, 2013: **SB 111**.
Delivered to the Governor for approval at 3:00 p.m., February 14, 2013: **SB 111**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/14/2013
SB 212, introduced bill, be amended as follows:

1. Page 3, line 3.
Following: "motor vehicle,"
Insert: "equipment,"

2. Page 3, line 6.
Insert: "motor vehicle,"
Insert: "equipment,"

And, as amended, do pass. Report adopted.

SB 230, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "AUTHORITY;"
Insert: "AND"

2. Title, page 1, line 7.
Strike: "; AND PROVIDING" through "DATE"

3. Page 1, line 13.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

4. Page 1, line 26.
Following: "means"
Strike: "an"
Insert: "a trained"

5. Page 4, line 20.
Strike: section 6 in its entirety

And, as amended, do pass. Report adopted.

HB 94, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 2/14/2013
SB 107, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "46-18-205,"

2. Page 19, line 25 through page 20, line 20.
Strike: section 7 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 176, introduced bill, be amended as follows:

1. Page 4, line 25.
Following: "includes"
Insert: "but is not limited to"

2. Page 4, line 26.
Strike: "without a meeting"
Insert: "provided electronically or"

And, as amended, do pass. Report adopted.

SB 198, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "SECTION"
Insert: "SECTIONS"
Following: "45-5-212"
Insert: "AND 46-18-111"

2. Page 1, line 17.
Following: "minor"
Strike: remainder of line 17 through line 18

Insert: ": (i) for a first offense under this subsection (2)(b) shall be imprisoned in a state prison for a term not to exceed 10 years or be fined not more than $50,000, or both; or

(ii) for a second or subsequent offense under this subsection (2)(b) shall be imprisoned in a state prison for a term not to exceed 20 years or be fined not more than $50,000, or both."

3. Page 1, line 20.
Following:"victim"
Strike: remainder of line 20 through line 21

Insert: ": (i) for a first offense under this subsection (2)(c) shall be imprisoned in a state prison for a term not to exceed 20 years or be fined not more than $50,000, or both; or

(ii) for a second or subsequent offense under this subsection (2)(c) shall be imprisoned in a state prison for a term not to exceed 40 years or be fined not more than $50,000, or both."

4. Page 1, line 21.
Following: line 21
Insert: "(3) An offender convicted of an offense under subsection (2)(b) or (2)(c) shall pay for and complete a counseling assessment with a focus on violence, controlling behavior, dangerousness, and chemical dependency and complete all recommendations for counseling, referrals, attendance at psychoeducational groups, or treatment, including any indicated chemical dependency treatment, made by the counseling provider. The counseling provider must be approved by the court and be a person licensed under Title 37, chapter 17, 22, or 23, or a professional person as defined in 53-21-102. The offender shall complete a minimum of 40 hours of counseling."

5. Page 1, line 22
Insert: "Section 2. Section 46-18-111, MCA, is amended to read:

"46-18-111. Presentence investigation -- when required. (1) (a) Upon the acceptance of a plea or upon a verdict or finding of guilty to one or more felony offenses, the district court shall direct the probation officer to make a presentence investigation and report. The district court shall consider the presentence investigation report prior to sentencing.

(b) If the defendant was convicted of an offense under 45-5-502, 45-5-503, 45-5-504, 45-5-505, 45-5-507, 45-5-625, 45-5-627, 45-5-601(3), 45-5-602(3), or 45-5-603(2)(c) or if the defendant was convicted under 46-23-507 and the offender was convicted of failure to register as a sexual offender pursuant to Title 46, chapter 23, part 5, the investigation must include a psychosexual evaluation of the defendant and a recommendation as to treatment of the defendant

in the least restrictive environment, considering the risk the defendant presents to the community and the defendant's needs, unless the defendant was sentenced under 46-18-219. The evaluation must be completed by a sex offender therapist who is a member of the Montana sex offender treatment association or has comparable credentials acceptable to the department of labor and industry. The psychosexual evaluation must be made available to the county attorney's office, the defense attorney, the probation and parole officer, and the sentencing judge. All costs related to the evaluation must be paid by the defendant. If the defendant is determined by the district court to be indigent, all costs related to the evaluation are the responsibility of the district court and must be paid by the county or the state, or both, under Title 3, chapter 5, part 9.

(c) If the defendant was convicted of an offense under 45-5-212 (2)(b) or (2)(c), the investigation must include a mental health evaluation of the defendant and a recommendation as to treatment of the defendant in the least restrictive environment, considering the risk the defendant presents to the community and the defendant's needs. The evaluation must be completed by a qualified psychiatrist, licensed clinical psychologist, advanced practice registered nurse, or other professional with comparable credentials acceptable to the department of labor and industry. The mental health evaluation must be made available to the county attorney's office, the defense attorney, the probation and parole officer, and the sentencing judge. All costs related to the evaluation must be paid by the defendant. If the defendant is determined by the district court to be indigent, all costs related to the evaluation are the responsibility of the district court and must be paid by the county or the state, or both, under Title 3, chapter 5, part 9.

~~(c)~~(d) When, pursuant to 46-14-311, the court has ordered a presentence investigation and a report pursuant to this section, the mental evaluation required by 46-14-311 must be attached to the presentence investigation report and becomes part of the report. The report must be made available to persons and entities as provided in 46-18-113.

(2) The court shall order a presentence investigation report unless the court makes a finding that a report is unnecessary. Unless the court makes that finding, a defendant convicted of any offense not enumerated in subsection (1) that may result in incarceration for 1 year or more may not be sentenced before a written presentence investigation report by a probation and parole officer is presented to and considered by the district court. The district court may order a presentence investigation for a defendant convicted of a misdemeanor only if the defendant was convicted of a misdemeanor that the state originally charged as a sexual or violent offense as defined in 46-23-502.

(3) The defendant shall pay to the department of corrections a $50 fee at the time that the report is completed, unless the court determines that the defendant is not able to pay the fee within a reasonable time. The fee may be retained by the department and used to finance contracts entered into under 53-1-203(5).""

6. Page 1, line 23.
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/13/2013
HB 36, be concurred in. Report adopted.

HB 152, be concurred in. Report adopted.
HB 192, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

February 13, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Wednesday February 13, 2013, I signed the following Senate bills:

SB 46, sponsored by Senator Vuckovich
SB 64, sponsored by Senator Facey

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/13/2013

HB 105, introduced by Steenberg
HB 158, introduced by Kary

MOTIONS

SB 106 - Senator Caferro moved to change her third-reading vote on **SB 106** from No to Yes. Without objection, so ordered. [Vote change reflected in previous day's journal.]

SB 153 - Senator Thomas moved to take **SB 153** from second reading this date and re-refer it to the Energy and Telecommunications committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 308, introduced by Olson, referred to Energy and Telecommunications.
SB 309, introduced by Dick Barrett, referred to Taxation.
SB 310, introduced by Wanzenried, referred to Judiciary.
SB 311, introduced by Wanzenried, referred to Judiciary.
SB 312, introduced by Sonju, referred to Energy and Telecommunications.
SB 313, introduced by L. Jones, Hollandsworth, referred to Highways and Transportation.
SB 314, introduced by Wanzenried, referred to Highways and Transportation.
SB 315, introduced by Kaufmann, referred to Public Health, Welfare and Safety.
SB 316, introduced by Fielder, referred to Natural Resources.
SB 317, introduced by L. Jones, Cook, referred to Taxation.
SB 318, introduced by Van Dyk, Miller, referred to Taxation.
SB 319, introduced by Sonju, Arntzen, Hollenbaugh, Lavin, referred to Highways and Transportation.
SB 320, introduced by Vincent, referred to Judiciary.
SB 321, introduced by Thomas, referred to Judiciary.
SB 322, introduced by Thomas, referred to Local Government.
SB 323, introduced by Thomas, referred to Public Health, Welfare and Safety.

The following Senate bills were introduced, read first time, and referred to committees:

SJR 15, introduced by Fielder, Arntzen, Arthun, Augare, Ballance, Debby Barrett, Blyton, Boulanger, Brockie, Brodehl, D. Brown, Buttrey, Clark, Connell, Cuffe, Facey, Flynn, Glimm, Hamlett, Hertz, Hollenbaugh, Howard, Ingraham, Jackson, D. Jones, L. Jones, Kary, Keane, Knudsen, McChesney, McClafferty, Mehlhoff, F. Moore, Murphy, Olson, Peppers, Peterson, Pierson, Price, Redfield, Ripley, Rosendale, Salomon, Schwaderer, Sesso, Shaw, B. Smith, C. Smith, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Washburn, Webb, White, Whitford, Windy Boy, Wittich, Zolnikov, referred to Natural Resources.
SJR 16, introduced by Debby Barrett, Welborn, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 14 - Senator Wanzenried moved **SB 14** do pass.

SB 14 - Senator Wanzenried moved **SB 14**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Strike: "RECOVERING"
Insert: "EARNING"

2. Page 3, line 13.
Strike: "RECOVERING"
Insert: "earning"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Boulanger, Jackson, Priest, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 14 - Senator Wanzenried moved **SB 14**, as amended, do pass. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 32

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Jackson, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 81 - Senator Lewis moved **SB 81** do pass.

SB 81 - Senator Lewis moved **SB 81**, second reading copy, be amended as follows:

1. Page 19, line 27.

Strike: "2017"
Insert: "2019"

Amendment adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 27

Nays: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 81 - Senator Lewis moved **SB 81**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 10 - Senator Windy Boy moved **SJR 10** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker,

Wanzenried, Windy Boy, Mr. President.
Total 42

Nays: Jackson, Moore, Ripley, Rosendale, Sales, Taylor, Webb, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 197 - Senator Boulanger moved **SB 197** do pass.

SB 197 - Senator Priest moved **SB 197**, second reading copy, be amended as follows:

1. Page 1, line 17.
Strike: "multiple"
Insert: "3"
Following: "years"
Insert: "before the person must complete a hunter safety and education course pursuant to 87-2-105"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann, Tropila, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 197 - Senator Boulanger moved **SB 197**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley,

Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Barrett Debby, Barrett Dick, Blewett, D. Brown, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Vuckovich, Wanzenried, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 47 - Senator Malek moved **HB 47** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Brenden, Webb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Facey, Kaufmann, Phillips, Sales, Sonju, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 196 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 35

Nays: Barrett Debby, Brenden, T. Brown, Buttrey, Caferro, Jackson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Tropila, Vuckovich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 164 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 209 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Brenden, D. Brown, Fielder, Keane, Murphy, Sales, Sesso, Sonju, Vincent.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Vuckovich moved to reconsider third-reading action on **SB 171** and that **SB 171** be placed on third reading on Friday, February 15, the thirty-fourth legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, February 15,

2013, the thirty-fourth legislative day. Motion carried.

Senate adjourned at 2:49 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 15, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/15/2013

Correctly printed: **SB 308**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 313**, **SB 314**, **SB 315**, **SB 316**, **SB 317**, **SB 318**, **SB 319**, **SB 320**, **SB 321**, **SB 322**, **SB 323**, **SJR 10**, **SJR 15**, **SJR 16**, **HB 36**, **HB 47**, **HB 94**, **HB 152**, **HB 192**.
Correctly engrossed: **SB 14**, **SB 197**.
Transmitted to the House: **SB 196**, **SB 209**, **HB 164**.

Senator Wittich moved the Senate recess for the purpose of a Republican caucus. Without objection, so ordered.

Senate reconvened at 1:16 p.m**.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 2/14/2013
HB 115, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/15/2013
HB 138, be concurred in. Report adopted.
HB 141, be concurred in. Report adopted.
HB 202, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 2/14/2013
SB 125, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: ";" through "IMPOSED"
Insert: "AND"

``2. Page 3, line 5.
Strike: ","
Insert: ":
(a)"

3. Page 3, line 9.
Following: "procure"
Strike: ". A"
Insert: "; (b) if a public utility is unable to meet the standards established in subsections (3)(b) or (4)(b) in any compliance year, that public utility shall pay an administrative penalty, assessed by the commission, of $500 for each megawatt of nameplate capacity from which the public utility failed to purchase renewable energy credits and electricity;
(c) a"

4. Page 3, line 9.
Strike: "this penalty"
Insert: "the penalties assessed in accordance with subsection (10)(a) or (10)(b)"

5. Page 3, line 10.
Strike: "these penalties"
Insert: "the penalties assessed in accordance with subsection (10)(a) or (10)(b)"

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 2/14/2013
SB 236, do pass. Report adopted.
HB 18, be concurred in. Report adopted.
HB 81, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 2/14/2013
SB 200, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "REQUIRING" through "SECTIONS;"

2. Title, page 1, line 10.
Strike: "87-1-623, 87-1-625,"

3. Title, page 1, line 11.
Strike: "REPEALING" through "87-5-132, MCA;"

4. Page 1, line 17.
Strike: "(3)"
Insert: "(2)"

5. Page 1, line 21 through line 23.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

6. Page 1, line 24.

Strike: "A"
Insert: "The commission shall adopt rules to allow a"
Strike: "may"
Insert: "to"

7. Page 1, line 25.
Following: "license"
Strike: "."
Insert: "when the wolf is a potential threat to human safety, livestock, or dogs. The rules must:

(a) be consistent with the Montana gray wolf conservation and management plan and the adaptive management principles of the commission and the department for the Montana gray wolf population;

(b) require a landowner or the landowner's agent who takes a wolf pursuant to this subsection (2) to promptly report the taking to the department and to preserve the carcass of the wolf;

(c) establish a quota each year for the total number of wolves that may be taken pursuant to this subsection (2); and

(d) allow the commission to issue a moratorium on the taking of wolves pursuant to this subsection (2) before a quota is reached if the commission determines that circumstances require a limitation of the total number of wolves taken.

(3)"

8. Page 1, line 26.
Strike: "subsection (8)"
Insert: "87-5-131(3)(b)"

9. Page 1, line 28 through page 2, line 20.
Strike: subsection (4) through subsection (8) in their entirety
Renumber: subsequent subsections

10. Page 2, line 22.
Following: "of"
Insert: "87-5-131, 87-5-132, and"

11. Page 2, line 24 through page 3, line 19.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent sections

12. Page 6, line 16 through line 19.
Strike: section 9 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 249, introduced bill, be amended as follows:

1. Page 2, line 8 through line 11.
Strike: "seek" on line 8 through "species" on line 11
Insert: "actively seek advice, information, and guidance from a county or tribal government in all matters that may have a harmful effect on agricultural production or livestock operations or that may pose a risk to human health or safety in that county or on those tribal lands"

And, as amended, do pass. Report adopted.

SB 250, introduced bill, be amended as follows:

1. Page 7, line 13.
Following: "~~and~~"
Insert: "and"

2. Page 7, line 15.
Strike: "; and"
Insert: "."

3. Page 7, line 16.
Strike: line 16

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/14/2013
SB 56, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "7-13-4524"
Insert: ","
Strike: the first "AND"
Following: "15-10-305,"
Insert: "85-7-2136, AND 85-8-601,"

2. Title, page 1, line 9.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

3. Page 2, line 12.
Insert: "Section 3. Section 85-7-2136, MCA, is amended to read:

"85-7-2136. Collection of taxes or assessment. (1) On or before the third Monday in August of each year, the board of commissioners shall furnish to the ~~department of revenue~~ county treasurer a correct list of all the district lands in the county, together with the amount of the total taxes or assessments against the lands for district purposes. The ~~department of revenue~~ county treasurer shall ~~immediately upon receipt of the list~~ enter the taxes or assessment ~~roll in~~ on the

property tax record of the county subject to taxation or assessment under 85-7-2104 for each year.

(2) The county treasurer of each county in which any irrigation district is located, in whole or in part, shall collect and receipt for all taxes and assessments levied by the district, in the same manner and at the same time as is required in the collection of taxes upon real estate for county purposes as provided in 15-16-102. The treasurer must receive from any taxpayer, at any time, the amount due on account of any district assessments of any kind, whether other taxes on the same real estate are paid or not.

(3) During the water delivery season, as determined by the irrigation district commissioners, the county treasurer shall make available to the board of commissioners of an irrigation district notice of the receipt of payments of district assessments by 9 a.m. on the day following receipt of those payments.

(4) If requested in writing by a board of commissioners of an irrigation district, the county treasurer may receive assistance from an employee of the irrigation district or a commissioner of the district for the purpose of collecting district assessments as provided in 15-16-102, investing district funds as directed by the board of commissioners of the district, and preparing district assessment notices.

(5) When any real estate on account of which the district taxes and assessments have been levied has been sold to the county and a tax lien sale certificate is held by the county, the taxpayer may pay to the treasurer at any time any semiannual installment of the district tax or assessment, together with the penalty and interest to date of payment on the installment. However, the payment may not be considered a redemption of the property from the tax lien sale but must be credited on account of any redemption that may be made. In case of any payment pursuant to this subsection, a separate tax receipt must be issued showing exactly what assessments have been paid and showing that no other tax on the real estate has been received by the treasurer. The county treasurer may not collect, receive, or receipt for any taxes levied for county purposes upon real estate situated wholly or in part within any irrigation district upon which an assessment for the purposes of the irrigation district has been levied unless the assessment levied for irrigation district purposes is either paid as permitted in this section and the receipt for the payment is presented to the county treasurer at the time the taxes are paid or paid at the time the irrigation district taxes are paid.""

Insert: "Section 4. Section 85-8-601, MCA, is amended to read:

"85-8-601. Certification and collection of district taxes. (1) Subject to 15-10-420 and on or before the third Monday in August of each year, the commissioners shall certify to the ~~department of revenue~~ county treasurer a correct list of all the district lands in each county and the owners of the lands, together with a statement of the amount of the total tax or assessment against the lands for district purposes for that year. The ~~department of revenue~~ county treasurer shall immediately enter the taxes or assessment ~~roll in~~ on the property tax record of the county for each year.

(2) The county treasurer of each county in which a drainage district is located, in whole or in part, shall collect and receipt for all taxes and assessments levied by the district in the same manner and at the same time as is required in the collection of taxes upon real estate for county purposes as provided in 15-16-102. However, the treasurer must receive from any taxpayer, at any time, the amount due on account of any district assessments of any kind, whether other taxes on the same real estate are paid or not. When any real estate on account of which the district taxes and assessments have been levied has been sold to the county and the tax lien sale certificate is

held by the county, the taxpayer may pay to the treasurer at any time any semiannual installment of the district tax or assessment, together with the penalty and interest to date of payment on the installment. However, the payment may not be considered a redemption of the property from the tax lien sale, but must be credited on account of any redemption that may later be made. In case of any payment pursuant to this subsection, a separate tax receipt must be issued showing exactly what assessments have been paid and showing that no other tax on the real estate has been received by the treasurer. However, the county treasurer may not collect, receive, or receipt for any taxes levied for county purposes upon real estate situated wholly or in part within any drainage district upon which an assessment for the purposes of the drainage district has been levied unless the assessment levied for the drainage district purposes is either paid as provided in this section and the receipt is presented to the county treasurer at the time the real estate taxes are paid or paid at the time the drainage district taxes are paid.""
Renumber: subsequent sections

4. Page 2, line 13.
Strike: "on passage and approval"
Insert: "October 1, 2014"

And, as amended, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

JOINT SELECT COMMITTEE ON PENSIONS (Lewis, Chair): 2/14/2013
HB 54, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/14/2013

HB 12, introduced by Pease-Lopez
HB 233, introduced by Lavin
HB 321, introduced by Greef
HB 325, introduced by Regier
HB 328, introduced by Washburn
HB 337, introduced by Redfield
HB 356, introduced by Clark

HB 277, introduced by McChesney, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 2/14/2013
Yeas - 80, Nays - 19

House joint resolution passed and transmitted to the Senate for concurrence: 2/14/2013

HJR 9, introduced by McNiven

MOTIONS

Senator Lewis moved **HB 54** be referred to the State Administration committee. Without objection, so ordered.

Senator Sonju moved **SB 243** be moved from the Business, Labor, and Economic Affairs committee to the Energy and Telecommunications committee. Without objection, so ordered.

Senator Jent moved **SB 187** be taken from second reading this date and re-referred to the Judiciary committee. Without objection, so ordered.

Senator Sesso rose on a point of order to ask about the placement of bills (which have been amended during second reading) on third reading. He asserted the criteria should be applied consistently for all bills. President Essmann noted the point of order and indicated the question would be put to the Rules committee at its meeting scheduled for Monday, February 18, 2013.

Senator Tropila moved consideration of **SB 81** be moved from third reading this date to third reading tomorrow, February 16, 2013. Motion passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 253, introduced by Taylor, Buttrey, Lewis, referred to Local Government.
SB 324, introduced by Rosendale, Buttrey, Edmunds, Hertz, Hill, Kary, Larsen, F. Moore, Washburn, referred to Local Government.
SB 325, introduced by Olson, referred to Energy and Telecommunications.
SB 326, introduced by Malek, Arntzen, Augare, Dick Barrett, Blewett, Buttrey, Coffin, Driscoll, Gursky, Hill, Jackson, Jent, L. Jones, Kary, Kaufmann, Keane, Larsen, MacDonald, McCarthy,

Olson, Phillips, Sales, Sonju, Vincent, referred to Judiciary.
SB 327, introduced by Olson, referred to Energy and Telecommunications.
SB 328, introduced by Augare, Boulanger, Jent, Malek, O'Hara, C. Smith, Stewart-Peregoy, Taylor, Vincent, Windy Boy, Wittich, referred to Fish and Game.
SB 329, introduced by Boulanger, referred to Business, Labor, and Economic Affairs.
SB 330, introduced by Debby Barrett, Jent, referred to Natural Resources.
SB 331, introduced by Murphy, referred to Judiciary.
SB 332, introduced by Tutvedt, Connell, referred to Natural Resources.
SB 333, introduced by Arthun, referred to Joint Select Committee on Pensions

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 6, introduced by Murphy, referred to Judiciary.
SR 7, introduced by Murphy, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 139 - Senator Walker moved **SB 139** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 35

Nays: Barrett Dick, Blewett, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 114 - Senator Taylor moved **SB 114** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Blewett, Facey, Jergeson, Kaufmann, Larsen, Phillips, Sesso, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 192 - Senator Wanzenried moved **SB 192** do pass. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 30

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Webb, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 166 - Senator Dick Barrett moved **SB 166** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 189 - Senator Webb moved **SB 189** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 238 - Senator Hamlett moved **SB 238** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Boulanger, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Tutvedt moved the Committee of the

Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 10 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Jackson, Moore, Ripley, Rosendale, Sales, Taylor, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 47 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 201 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Brenden acknowledged and thanked this week's pages for their service.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, February 16, 2013, the thirty-fifth legislative day. Motion carried.

Senate adjourned at 2:27 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 16, 2013 — State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Blewett, Jent, Priest, Walker, and Webb, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/16/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-first through twenty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 114**, **SB 139**, **SB 166**, **SB 189**, **SB 192**, **SB 236**, **SB 238**, **SB 253**, **SB 324**, **SB 325**, **SB 326**, **SB 327**, **SB 328**, **SB 329**, **SB 330**, **SB 331**, **SB 332**, **SB 333**, **SR 6**, **SR 7**, **HB 18**, **HB 81**, **HB 115**, **HB 138**, **HB 141**, **HB 202**.
Correctly engrossed: **SB 56**, **SB 125, SB 200**, **SB 249**, **SB 250**.
Transmitted to the House: **SB 201**, **SJR 10**, **HB 47**.

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (Buttrey, Chair): 2/15/2013
SB 235, introduced bill, be amended as follows:

1. Page 1, lines 24 and 25.
Strike: ":" on line 24 through "(a)" on line 25

2. Page 1, line 30 through page 2, line 1.
Strike: subsection (b) in its entirety

3. Page 2.
Following: line 26
Insert: "(7) If an audit results in the dispute or denial of a claim, the entity conducting the audit shall allow the pharmacy to produce additional claims documentation using any commercially reasonable method, including fax, mail, or e-mail."

4. Page 3, line 7.
Following: "misrepresentation"
Insert: "that is evidenced by the review of claims data, statements, physical review, or other investigative methods"

And, as amended, do pass. Report adopted.

SB 245, do pass. Report adopted.
HB 77, be concurred in. Report adopted.
HB 169, be concurred in. Report adopted.
HB 193, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/15/2013
SB 217, introduced bill, be amended as follows:

1. Page 3, line 19 through line 20.
Strike: "in" on line 19 through "watershed" on line 20

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/15/2013

SB 51, introduced by Augare
SB 65, introduced by Wittich
SB 73, introduced by Kaufmann

House bills passed and transmitted to the Senate for concurrence: 2/15/2013

HB 283, introduced by Wagoner
HB 305, introduced by Lang
HB 318, introduced by Mehlhoff
HB 351, introduced by Edmunds

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 334, introduced by Hamlett, Debby Barrett, Connell, McChesney, Stewart-Peregoy, referred to Agriculture, Livestock and Irrigation.
SB 335, introduced by Hamlett, Connell, McChesney, referred to Natural Resources.
SB 336, introduced by Hamlett, Connell, McChesney, referred to Agriculture, Livestock and Irrigation.
SB 337, introduced by Hamlett, Debby Barrett, Connell, McChesney, Peterson, Stewart-Peregoy, Vincent, referred to Natural Resources.
SB 338, introduced by Hamlett, Connell, referred to Agriculture, Livestock and Irrigation.
SB 339, introduced by Brenden, referred to Natural Resources.
SB 340, introduced by Brenden, referred to Education and Cultural Resources.
SB 341, introduced by Fielder, Hamlett, Murphy, referred to Fish and Game.
SB 342, introduced by Windy Boy, Hansen, referred to Education and Cultural Resources.

SB 343, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 8, introduced by Priest, referred to Public Health, Welfare and Safety.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 17, introduced by Jackson, G. Bennett, Vincent, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 118 - Senator Thomas moved **SB 118** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Facey, Hamlett, Jackson, Jones, Keane, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Taylor, Thomas, Tropila, Vincent, Vuckovich, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Driscoll, Fielder, Jent, Jergeson, Kaufmann, Larsen, Moore, Murphy, Sesso, Sonju, Stewart-Peregoy, Tutvedt, Van Dyk, Wanzenried, Windy Boy.
Total 19

Paired: Boulanger, Thomas, Aye; Blewett, Jent, No.

Absent or not voting: None.
Total 0

Excused: Priest, Walker, Webb.
Total 3

SB 252 - Senator Rosendale moved **SB 252** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich,

Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Caferro, Tropila.
Total 2

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 230 - Senator Wanzenried moved **SB 230** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

HB 155 - Senator Dick Barrett moved **HB 155** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Ripley, Sales, Sonju, Vincent, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 198 - Senator Thomas moved **SB 198** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 185 - Senator Sesso moved **SB 185** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 35

Nays: Boulanger, Buttrey, Fielder, Lewis, Moore, Olson, Ripley, Taylor, Vincent, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

HB 36 - Senator Kaufmann moved **HB 36** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.

Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

HB 152 - Senator Arthun moved **HB 152** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

HB 192 - Senator Jergeson moved **HB 192** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.

Total 5

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 139 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich.
Total 15

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 114 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Facey, Jergeson, Kaufmann, Malek, Phillips, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 192 passed as follows:

Yeas: Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 28

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 166 failed as follows:

Yeas: Augare, Barrett Dick, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Lewis, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jones, Larsen, Moore, Murphy, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Wittich, Mr. President.

Total 24

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 189 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 238 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 39

Nays: Arntzen, Boulanger, D. Brown, Sales, Sonju, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

SB 14 passed as follows:

Yeas: Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Wittich, Mr. President.
Total 17

Paired: Moore, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Walker, Webb.
Total 4

Vote reflects change on motion on the following legislative day.

SB 81 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 20

Paired: Walker, Aye; Vincent, No.

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Webb.
Total 4

SB 197 passed as follows:

Yeas: Arntzen, Arthun, Augare, Boulanger, Brenden, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Windy Boy, Wittich, Mr.

President.
Total 30

Nays: Barrett Debby, Barrett Dick, D. Brown, Caferro, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Vuckovich, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest, Walker, Webb.
Total 5

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 344, introduced by Vincent, referred to Fish and Game.
SB 345, introduced by Vincent, referred to Natural Resources.
SB 346, introduced by Vincent, referred to Natural Resources.
SB 347, introduced by Vincent, referred to Natural Resources.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, February 18, 2013, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 9:13 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Blewett, Jent, and Priest, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/18/2013

Correctly printed: **SB 118**, **SB 185**, **SB 198**, **SB 230**, **SB 245**, **SB 252**, **SB 334**, **SB 335**, **SB 336**, **SB 337**, **SB 338**, **SB 339**, **SB 340**, **SB 341**, **SB 342**, **SB 343**, **SB 344**, **SB 345**, **SB 346**, **SB 347**, **SJR 17**, **SR 8**, **HB 36**, **HB 77**, **HB 152**, **HB 155**, **HB 169**, **HB 192**, **HB 193**.
Correctly engrossed: **SB 217**, **SB 235**.
Correctly enrolled: **SB 51**, **SB 65**, **SB 73**.
Examined by the sponsor and found to be correct: **SB 51**, **SB 65**, **SB 73**.
Transmitted to the House: **SB 14**, **SB 81**, **SB 114**, **SB 139**, **SB 189**, **SB 192**, **SB 197**, **SB 238**.
Signed by the Secretary of the Senate at 3:25 p.m., February 18, 2013: **SB 51**, **SB 65**, **SB 73**.

President Lincoln, as portrayed by Harry Fritz of Missoula, briefly addressed the Senate on this Presidents' Day holiday.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 2/15/2013
SB 191, do pass. Report adopted.
SB 199, introduced bill, be amended as follows:

1. Page 1, line 16 through line 17.
Following: "incurred" on line 16
Strike: "and" on line 16 through "accrued" on line 17

2. Page 1, line 18.
Following: "repair,"
Insert: "and"
Following: "maintenance"
Strike: ", and depreciation"

3. Page 2, line 1.
Following: "district"
Insert: "for levies approved prior to [the effective date of this act]"

4. Page 2, line 5.
Following: "budgeted"
Insert: "pursuant to levies approved prior to [the effective date of this act]"

5. Page 2, line 16 through line 17.
Strike: "<u>, including</u>" on line 16 through "<u>(3)</u>" on line 17

6. Page 2, line 24 through line 25.
Strike: "<u>to fund</u>" on line 24 through "<u>levy</u>" on line 25

7. Page 2, line 26.
Following: "<u>(1)(c)</u>"
Insert: "or to seek relief from the obligation of tracking depreciation of equipment under a levy approved prior to [the effective date of this act]"

And, as amended, do pass. Report adopted.

SB 203, introduced bill, be amended as follows:

1. Page 2, line 12.
Strike: "1209 and 1211"
Insert: "12301(d) and 12304"

2. Page 4, line 3.
Strike: "1209 and 1211"
Insert: "12301(d) and 12304"

And, as amended, do pass. Report adopted.

SB 257, introduced bill, be amended as follows:

1. Page 2, line 17.
Strike: "<u>:</u>"

2. Page 2, line 18.
Strike: "<u>(a)</u>"

3. Page 2, line 19.
Strike: "<u>establish</u>"
Insert: "adopt"
Strike: "<u>, to adopt</u>"
Insert: "and"

4. Page 2, line 20.
Following: "<u>title</u>"

Strike: "<u>,</u>"

5. Page 2, line 20 through line 23.
Strike: "<u>; and</u>" on line 20 through "<u>rules</u>" on line 23

And, as amended, do pass. Report adopted.

SB 291, do pass. Report adopted.
SJR 13, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 2/15/2013
SB 54, introduced bill, be amended as follows:

1. Title, line 6 through line 10.
Strike: "REQUIRING" on line 6 through "COMPENSATION;" on line 10

2. Title, line 13.
Strike: "7-33-2109" through "15-10-420,"

3. Page 1, line 19.
Strike: "2014"
Insert: "2015"

4. Page 1, line 23 through page 2, line 10.
Strike: subsection (3) through subsection (5) in their entirety
Renumber: subsequent subsection

5. Page 2, line 16.
Strike: "2014"
Insert: "2015"

6. Page 2, line 27 through page 3, line 27.
Strike: section 2 through section 4 in their entirety
Renumber: subsequent sections

7. Page 4, line 8.
Following: "~~coverage~~"
Insert: "or workers' compensation coverage"

8. Page 4, line 13.
Strike: "<u>only</u>"
Insert: "meeting the provisions of subsection (1) or for workers' compensation coverage"

9. Page 4, line 18 through page 9, line 8.
Strike: section 6 through section 10 in their entirety

Renumber: subsequent sections

10. Page 21, line 23.
Following: "No. 1"
Insert: "or plan No. 2"

11. Page 21, line 26.
Strike: "plan No. 2 or"

12. Page 21, line 28.
Following: "No. 1"
Insert: "or plan No. 2"

13. Page 22, line 25.
Strike: "[Sections 1, 3, and 4] are"
Insert: "[Section 1] is"

14. Page 22, line 27.
Strike: "[sections 1, 3, and 4]"
Insert: "[section 1]"

15. Page 22, line 28 through line 30.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

16. Page 22, line 30.
Strike: "14"
Insert: "6"

17. Page 23, line 1.
Strike: "14"
Insert: "6"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/15/2013
SB 19, do pass. Report adopted.
SB 233, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "including"
Insert: "but not limited to an intentional"
Following: "remove"
Insert: "or allow the removal of"

And, as amended, do pass. Report adopted.

SB 278, introduced bill, be amended as follows:

1. Page 9, line 12.
Strike: "UT of North Fork Box Creek"
Insert: "UT of Box Creek, North Fork"

2. Page 17, line 12.
Following: "identified"
Insert: "in"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/16/2013

HB 179, introduced by Randall
HB 317, introduced by Hunter
HB 323, introduced by Cuffe

MOTIONS

Senator Dick Barrett moved to reconsider third-reading action on **SB166**, and place it on third reading tomorrow, February 19, 2013, the thirty-seventh legislative day. The motion **failed** as follows:

Yeas: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 348, introduced by Thomas, referred to Education and Cultural Resources.
SB 349, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.

The following Senate resolutions were introduced, read first time, and referred to committee:

SR 9, introduced by Windy Boy, referred to Education and Cultural Resources.
SR 10, introduced by Vincent, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hamlett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 114 - Senator Augare moved **HB 114** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 44

Nays: Webb, Wittich, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 115 - Senator Boulanger moved **HB 115** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Webb, Windy Boy.
Total 40

Nays: D. Brown, Fielder, Keane, Walker, Wanzenried, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 138 - Senator Van Dyk moved **HB 138** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 42

Nays: Boulanger, Fielder, Sales, Wittich, Mr. President.
Total 5

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 141 - Senator Sonju moved **HB 141** be concurred in. Motion carried as follows:

Senator Arntzen disclosed a conflict of interest.

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Vincent, Vuckovich, Webb, Windy Boy, Mr. President.
Total 38

Nays: Jackson, Kaufmann, Malek, Sales, Thomas, Van Dyk, Walker, Wanzenried, Wittich.
Total 9

Absent or not voting: None.

Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 202 - Senator Stewart-Peregoy moved **HB 202** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 18 - Senator Sesso moved **HB 18** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 43

Nays: Barrett Debby, Fielder, Wittich, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

SB 236 - Senator Olson moved **SB 236** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek,

Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 37

Nays: Boulanger, D. Brown, Driscoll, Facey, Taylor, Thomas, Van Dyk, Walker, Wittich, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

SB 56 - Senator Jent, sponsor. Senator Tutvedt moved **SB 56** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Webb.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Hamlett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

MOTIONS

Senator Arthun moved that **SB 185** be taken from third reading this date and returned to the State Administration committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 118 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Hamlett, Jackson, Jones, Keane, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Taylor, Thomas, Tropila, Vincent, Vuckovich, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Nays: Augare, T. Brown, Driscoll, Facey, Fielder, Jergeson, Kaufmann, Larsen, Moore, Murphy, Sonju, Stewart-Peregoy, Tutvedt, Van Dyk, Walker, Wanzenried.
Total 16

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

SB 252 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Facey, Tropila.
Total 2

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

SB 230 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 155 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 32

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Ripley, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

SB 198 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 36 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 152 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

HB 192 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent, Priest.
Total 3

MOTIONS

Senator Debby Barrett moved to change her third-reading vote on **SB 14** from Yes to No. Without objection, so ordered. [Vote change reflected in previous day's journal.]

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the week:

Brennan Andrews, Polson
Tanner Block, Missoula
Teah Fuller, Anaconda
Colette Poetzl, Billings
Rachel Sales, Bozeman
Amanda Underkofler, Bozeman

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, February 19, 2013, the thirty-seventh legislative day. Motion carried.

Senate adjourned at 2:00 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 19, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Blewett and Jent, excused. Quorum present.

Correctly printed: **SB 19**, **SB 56**, **SB 191**, **SB 236**, **SB 291**, **SB 348**, **SB 349**, **SJR 13**, **SR 9**, **SR 10**, **HB 18**, **HB 114**, **HB 115**, **HB 138**, **HB 141**, **HB 202**.
Correctly engrossed: **SB 54**, **SB 199**, **SB 203**, **SB 233**, **SB 257**, **SB 278**.
Correctly enrolled: **SB 5**, **SB 36**, **SB 75**, **SB 141**.
Examined by the sponsor and found to be correct: **SB 5**, **SB 36**, **SB 75**, **SB 141**.
Transmitted to the House: **SB 118**, **SB 198**, **SB 230**, **SB 252**, **HB 36**, **HB 152**, **HB 155**, **HB 192**.
Signed by Secretary of the Senate at 3:20 p.m., February 19, 2013: **SB 5**, **SB 36**, **SB 75**, **SB 141**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/15/2013
SB 181, do pass. Report adopted.
SB 270, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "7,"
Insert: "10,"

And, as amended, do pass. Report adopted.

HB 28, be concurred in. Report adopted.
HB 123, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/18/2013
SB 185, do pass. Report adopted.
SB 224, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "RULES;"
Insert: "ALLOWING AN ADMINISTRATIVE RULE REVIEW COMMITTEE TO GRANT AN EXTENSION TO THE DEADLINE;"

2. Title, page 1, line 7.
Following: "2-4-302"
Insert: ","
Strike: "AND"

Following: "2-4-305,"
Insert: "AND 2-4-402,"

3. Page 1, line 19.
Following: "(b)"
Strike: "If legislation"
Insert: "(i) Except as provided in subsection (1)(b)(ii), if legislation adopted in the most recent legislative session"

4. Page 1, line 20.
Strike: "120"
Insert: "180"

5. Page 1, following line 22.
Insert: "(ii) An agency may request an extension to the deadline provided in subsection (1)(b)(i) from the appropriate administrative rule review committee."

6. Page 7, following line 1.
Insert: "Section 3. Section 2-4-402, MCA, is amended to read:

"2-4-402. Powers of committees -- duty to review rules. (1) The administrative rule review committees shall review all proposed rules filed with the secretary of state.

(2) The appropriate administrative rule review committee may:

(a) request and obtain an agency's rulemaking records for the purpose of reviewing compliance with 2-4-305;

(b) prepare written recommendations for the adoption, amendment, or rejection of a rule and submit those recommendations to the department proposing the rule and submit oral or written testimony at a rulemaking hearing;

(c) require that a rulemaking hearing be held in accordance with the provisions of 2-4-302 through 2-4-305;

(d) institute, intervene in, or otherwise participate in proceedings involving this chapter in the state and federal courts and administrative agencies;

(e) review the incidence and conduct of administrative proceedings under this chapter;

(f) grant an extension to the deadline provided in 2-4-302(1)(b)."""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 258, do pass. Report adopted.
SB 266, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/15/2013
SB 34, introduced bill, be amended as follows:

1. Page 2, line 2 through line 3.

Strike: "an" on line 2 through "is" on line 3

2. Page 2, line 4.
Following: "(i)"
Insert: "an employee benefit plan that is"

3. Page 2, line 5.
Strike: "under"

4. Page 2, line 6.
Following: "(iii)"
Insert: "a policy or certificate"

5. Page 2, line 11.
Following: line 10
Insert: "(3) “Match” means a search of the death master file that results in a match of the social security number or the name and date of birth of an insured, annuitant, or retained asset account owner."
Renumber: subsequent subsections

6. Page 2, line 12.
Strike: "an employee benefit plan that is"

7. Page 2, line 13.
Following: "(a)"
Insert: "an employee benefit plan that is"

8. Page 2, line 14.
Strike: "under"

9. Page 2, line 15.
Following: "(c)"
Insert: "a policy or certificate of insurance"
Strike: the second "or"

10. Page 2, line 16.
Following: "death insurance"
Insert: "; or
(e) a policy issued to a group master policyholder for which the insurer does not provide recordkeeping services"

11. Page 3, line 19.
Strike: "good faith"
Insert: "reasonable"

And, as amended, do pass. Report adopted.

SB 239, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "ADDING" on line 7 through "PLAN;" on line 8

2. Title, page 1, line 8.
Following: "PLAN;"
Insert: "PROVIDING THAT ANY PORTION OF THE INCREMENT REMITTED TO A TAXING BODY MUST BE USED TO REDUCE AD VALOREM TAXES AND MAY NOT REDUCE FUTURE LEVY AUTHORITY;"

3. Title, page 1, line 10.
Following: "7-15-4284,"
Insert: "7-15-4285,"
Following: "7-15-4286,"
Insert: "7-15-4287,"
Following: "7-15-4288,"
Insert: "7-15-4289,"
Following: "7-15-4290,"
Insert: "7-15-4291,"

4. Title, page 1, line 11.
Following: "7-15-4304,"
Insert: "7-15-4305, 7-15-4306, 7-15-4322,"

5. Page 1, line 21.
Strike: "municipalities"
Insert: "local governments"

6. Page 1, line 23.
Strike: "municipalities"
Insert: "local governments"

7. Page 2, line 1.
Strike: "municipality"
Insert: "local government"

8. Page 2, line 13.
Strike: "municipality"
Insert: "local governments"

9. Page 2, line 15.
Strike: "municipality"

Insert: "local government"

10. Page 2, line 16.
Strike: "municipality"
Insert: "local government"

11. Page 2, line 20.
Following: "(a) ""
Insert: "secondary"

12. Page 2, line 23.
Following: "(b) ""
Insert: "secondary"
Following: "produces"
Insert: "secondary"

13. Page 2, line 28.
Strike: "**urban renewal area and**"

14. Page 2, line 29.
Strike: "municipality"
Insert: "local government"

15. Page 3, line 1.
Strike: "municipality"
Insert: "local government"

16. Page 3, line 3.
Strike: "municipality"
Insert: "local government"

17. Page 3, line 13.
Strike: "municipal"
Insert: "local government"

18. Page 4, line 16.
Strike: ""Municipality""
Insert: ""Local government""

19. Page 5, line 7.
Strike: "municipality"
Insert: "local government"

20. Page 5, line 13.
Following: line 12

Insert: "Section 8. Section 7-15-4285, MCA, is amended to read:

"7-15-4285. Determination and report of original, actual, and incremental taxable values. The department of revenue shall, upon receipt of a qualified tax increment provision and each succeeding year, calculate and report to the ~~municipality~~ local government and to any other affected taxing body in accordance with Title 15, chapter 10, part 2, the base, actual, and incremental taxable values of the property.""

Renumber: subsequent sections

21. Page 5, line 25.
Strike: "municipality"
Insert: "local government"

22. Page 5, line 28.
Insert: "Section 10. Section 7-15-4287, MCA, is amended to read:

"7-15-4287. Provision for use of portion of tax increment. (1) At the time of adoption of a tax increment provision or at any time subsequent thereto, the governing body of the ~~municipality~~ local government may provide that a portion of the tax increment from the incremental taxable value ~~shall~~ be released from segregation by an adjustment of the base taxable value, provided that:

(a) all principal and interest then due on bonds for which the tax increment has been pledged ~~has~~ have been fully paid; and

(b) the tax increment resulting from the smaller incremental value is determined by the governing body to be sufficient to pay all principal and interest due later on the bonds.

(2) The adjusted base value determined under subsection (1) ~~shall~~ must be reported by the clerk to the officers and taxing bodies to which the increment provision is reported.

(3) Thereafter, the adjusted base value is used in determining the mill rates of affected taxing bodies unless the tax increment resulting from the adjustment is determined to be insufficient for this purpose. In this case, the governing body ~~must~~ shall reduce the base value to the amount originally determined or to a higher amount necessary to provide tax increments sufficient to pay all principal and interest due on the bonds.""

Renumber: subsequent sections

23. Page 6, line 1.
Strike: "municipality"
Insert: "local government"

24. Page 6, line 22.
Strike: "municipality"
Insert: "local government"

25. Page 7, line 3.
Following: "to"
Insert: "secondary"

26. Page 7, line 7.

Following: line 6
Insert: "Section 12. Section 7-15-4289, MCA, is amended to read:

"7-15-4289. Use of tax increments for bond payments. The tax increment may be pledged to the payment of the principal of premiums, if any, and interest on bonds ~~which~~ that the ~~municipality~~ local government may issue for the purpose of providing funds to pay ~~such~~ those costs.""
Renumber: subsequent sections

27. Page 7, line 24.
Strike: "municipality"
Insert: "local government"

28. Page 7, line 27.
Strike: "municipality"
Insert: "local government"

29. Page 7, line 30.
Strike: "municipality"
Insert: "local government"

30. Page 8, line 2.
Strike: "municipality"
Insert: "local government"

31. Page 8, line 5.
Following: line 4
Insert: "Section 14. Section 7-15-4291, MCA, is amended to read:

"7-15-4291. Agreements to remit unused portion of tax increments. (1) The ~~municipality~~ local government may also enter into agreements with the other affected taxing bodies to remit to ~~such~~ those taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288 or pledged to the payment of the principal of premiums, if any, and interest on the bonds referred to in 7-15-4289.

(2) Any portion of the increment remitted to a taxing body must be treated as budgeted ad valorem taxes and used to reduce ad valorem taxes by the taxing body receiving the remittance and may not reduce the future levy authority of the taxing body receiving the remittance. This subsection applies to all tax increment financing districts created after December 31, 1979.""
Renumber: subsequent sections

32. Page 8, line 16.
Strike: "municipality"
Insert: "local government"

33. Page 8, line 19.
Following: "project"

Insert: "or targeted economic development district project"
Strike: "municipality"
Insert: "local government"

34. Page 8, line 24.
Following: "plan"
Insert: "or targeted economic development district comprehensive development plan"

35. Page 9, line 11.
Strike: "local governing body"

36. Page 9, line 12.
Following: "~~municipality~~"
Insert: "local government"

37. Page 9, line 16.
Strike: "municipality"
Insert: "local government"

38. Page 9, line 18.
Strike: "municipality"
Insert: "local government"

39. Page 10, line 6.
Strike: "municipality"
Insert: "local government"

40. Page 10, line 27.
Strike: "municipality"
Insert: "local government"

41. Page 11, line 3.
Strike: "municipality"
Insert: "local government"

42. Page 11, line 4.
Strike: "municipality's"
Insert: "local government's'"

43. Page 11, line 10.
Following: "A"
Insert: "local government or"

44. Page 11, line 17.
Following: "credit of the"

Insert: "local government or"

45. Page 11, line 19.
Following: "of the"
Insert: "local government or"

46. Page 11, line 22.
Following: "by the"
Insert: "local government or"

47. Page 11, line 24.
Following: "funds of the"
Insert: "local government or"
Following: "revenue of the"
Insert: "local government or"

48. Page 11, line 28.
Following: "projects of the"
Insert: "local government or"

49. Page 12, line 2.
Following: "body of the"
Insert: "local government or"

50. Page 12, line 10.
Following: "the"
Insert: "local government or"

51. Page 12, line 14.
Following: "bonds by the"
Insert: "local government or"

52. Page 12, line 20.
Following: "upon the"
Insert: "local government or"

53. Page 12, line 24.
Following: "applicable, the"
Insert: "local government or"

54. Page 13, line 1.
Following: "issued by the"
Insert: "local government or"

55. Page 13, line 7.

Insert: "Section 21. Section 7-15-4305, MCA, is amended to read:

"7-15-4305. Validity and sufficiency of signatures on bonds. In case any of the public officials of the local government or municipality whose signatures appear on any bonds or coupons issued under ~~this part and~~ part 42 ~~shall~~ and this part cease to be ~~such~~ officials before the delivery of ~~such~~ the bonds, ~~such~~ their signatures ~~shall, nevertheless, be~~ remain valid and sufficient for all purposes the same as if ~~such~~ the officials had remained in office until ~~such~~ delivery of the bonds.""

Insert: "Section 22. Section 7-15-4306, MCA, is amended to read:

"7-15-4306. Bonds as legal investments. (1) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business~~;~~, all insurance companies, insurance associations, and other persons carrying on an insurance business~~;~~, and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, money, or other funds belonging to them or within their control in any bonds or other obligations issued by a local government or municipality pursuant to ~~this part and~~ part 42 and this part, provided that ~~such~~ the bonds and other obligations ~~shall~~ must be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of ~~such~~ bonds or other obligations, money in an amount ~~which~~ that, ~~(~~together with any other money irrevocably committed to the payment of interest on ~~such~~ the bonds or other obligations~~)~~, will suffice to pay the principal of ~~such~~ the bonds or other obligations with interest to maturity ~~thereon, which~~ on the bonds. The money under the terms of ~~said~~ the agreement is required to be used for the purpose of paying the principal of and the interest on ~~such~~ the bonds or other obligations at their maturity.

(2) ~~Such~~ The bonds and other obligations ~~shall~~ must be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of ~~any such~~ the bonds or other obligations.

(3) Nothing contained in this section with regard to legal investments ~~shall~~ may be construed as relieving any person of any duty of exercising reasonable care in selecting securities.""

Insert: "Section 23. Section 7-15-4322, MCA, is amended to read:

"7-15-4322. Details relating to urban renewal bonds. (1) Bonds issued under 7-15-4301 may be issued in one or more series and must bear a date or dates, be payable upon demand or mature at a time or times, bear interest as provided in 17-5-102, be in denomination or denominations, be in ~~form (~~either coupon or registered~~)~~ form, carry conversion or registration privileges, have rank or priority, be executed in a manner, be payable in a medium of payment at a place or places, be subject to terms of redemption ~~(~~with or without premium~~)~~, be secured in a manner, and have other characteristics as may be provided by the resolution, ordinance, or trust indenture or a mortgage authorized pursuant to the resolution, ordinance, or trust indenture.

(2) (a) The bonds may be sold at not less than 97% of par, at public or private sale~~,~~ or may be exchanged for other bonds on the basis of par.

(b) The bonds may be sold to the federal government at private sale at not less than par, and if less than all of the authorized principal amount of the bonds is sold to the federal government, the balance may be sold~~,~~ at public or private sale~~,~~ at not less than 97% of par at an interest cost to the local government or municipality of not to exceed the interest cost of the portion

of the bonds sold to the federal government.""
Renumber: subsequent sections

56. Page 13, line 19.
Following: "issued, the"
Insert: "local government or"

57. Page 13, line 24.
Following: "**districts.**"
Insert: "(1)"

58. Page 13, line 27.
Following: "except that the"
Insert: "local government or"

59. Page 14, line 3.
Following: line 2
Insert: "(2) Technology districts, aerospace transportation and technology districts, and industrial districts established under Title 7, chapter 15, part 42, that were initiated prior to [the effective date of this act] may continue to operate and issue bonds under the laws governing the districts and financial operations of the districts as those laws read on December 31, 2012. A technology district, aerospace transportation and technology district, or industrial district is considered initiated if the local governing body has adopted an ordinance for a district and has held a public hearing for creation of the district.

(3) For operation of existing technology districts, aerospace transportation and technology districts, and industrial districts established under Title 7, chapter 15, part 42, that were initiated prior to [the effective date of this act], any portion of the increment remitted to a taxing body under 7-15-4291 must be treated as budgeted ad valorem taxes and used to reduce ad valorem taxes by the taxing body receiving the remittance and may not reduce the future levy authority of the taxing body receiving the remittance."

And, as amended, do pass. Report adopted.

SB 240, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 18, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Monday, February 18, 2013, I signed the following Senate bills:

Senate Bill 15 - Wanzenried
Senate Bill 16 - Dick Barrett
Senate Bill 30 - Buttrey
Senate Bill 39 - Vincent
Senate Bill 52 - Keane
Senate Bill 60 - Vuckovich
Senate Bill 72 - Debby Barrett

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/18/2013

SB 5, introduced by Buttrey
SB 36, introduced by Murphy
SB 75, introduced by Priest
SB 141, introduced by Olson

House bills passed and transmitted to the Senate for concurrence: 2/18/2013

HB 360, introduced by White
HB 362, introduced by Berry
HB 363, introduced by Berry

Senate amendments to House bill concurred in: 2/18/2013

HB 148, introduced by Connell

MOTIONS

Senator Larsen moved to take **SB 195** from second reading this date and place it on second reading tomorrow, February 20, 2013, the thirty-eighth legislative day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 350, introduced by Tutvedt, Hollandsworth, Peterson, referred to Taxation.
SB 351, introduced by Olson, referred to Public Health, Welfare and Safety.
SB 352, introduced by Thomas, Jergeson, referred to Public Health, Welfare and Safety.
SB 353, introduced by Walker, referred to Select Committee on Pensions.
SB 354, introduced by Hamlett, referred to Natural Resources.
SB 355, introduced by Hamlett, Brenden, Keane, Larsen, referred to Natural Resources.
SB 356, introduced by Arntzen, referred to Education and Cultural Resources.
SB 357, introduced by Facey, referred to Business, Labor, and Economic Affairs.
SB 358, introduced by Walker, referred to Public Health, Welfare and Safety.
SB 359, introduced by Fielder, Arntzen, Boulanger, Murphy, Thomas, referred to Education and Cultural Resources.
SB 360, introduced by Fielder, Arthun, Boulanger, Murphy, Thomas, referred to Fish and Game.
SB 361, introduced by Tutvedt, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 18, introduced by Thomas, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sales in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 94 - Senator Facey moved **HB 94** be concurred in. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

HB 94 - Senator Wittich moved **HB 94** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

SB 212 - Senator Hamlett moved **SB 212** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: Arthun, Boulanger, Moore, Priest, Sales, Sonju, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

SB 125 - Senator Olson moved **SB 125** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Hamlett, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Buttrey, Caferro, Driscoll, Facey, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich,

Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

SB 107 - Senator Facey moved **SB 107** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Boulanger, Brenden, D. Brown, Jackson, Lewis, Ripley, Rosendale, Sales, Thomas, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

HB 169 - Senator Olson moved **HB 169** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

HB 193 - Senator Tutvedt moved **HB 193** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

SB 245 - Senator Arthun moved **SB 245** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

SB 217 - Senator Hamlett moved **SB 217** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Rosendale, Sales, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 114 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Priest, Walker, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

HB 115 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.
Total 42

Nays: Keane, Priest, Walker, Wanzenried, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

HB 138 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 44

Nays: Boulanger, Sales, Wittich, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

HB 141 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, T. Brown, Buttrey,

Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Vuckovich, Webb, Windy Boy, Mr. President.
Total 35

Nays: Boulanger, D. Brown, Fielder, Jackson, Kaufmann, Malek, Sales, Thomas, Van Dyk, Vincent, Walker, Wanzenried, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

HB 202 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

HB 18 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 39

Nays: Barrett Debby, Boulanger, D. Brown, Fielder, Sales, Sonju, Vincent, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

SB 236 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 42

Nays: Driscoll, Facey, Taylor, Van Dyk, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

SB 56 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett, Jent.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, February 20, 2013, the thirty-eighth legislative day. Motion carried.

Senate adjourned at 2:02 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 20, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/20/2013

Correctly printed: **SB 107**, **SB 125**, **SB 181**, **SB 185**, **SB 212**, **SB 217**, **SB 240**, **SB 245**, **SB 258**, **SB 266**, **SB 350**, **SB 351**, **SB 352**, **SB 353**, **SB 354**, **SB 355**, **SB 356**, **SB 357**, **SB 358**, **SB 359**, **SB 360**, **SB 361**, **SJR 18**, **HB 28**, **HB 123**, **HB 169**, **HB 193**.
Correctly engrossed: **SB 34**, **SB 128**, **SB 215**, **SB 224**, **SB 239**, **SB 264**, **SB 270**, **SB 301**.
Correctly enrolled: **SB 90**.
Examined by the sponsor and found to be correct: **SB 90**.
Transmitted to the House: **SB 56**, **SB 236**, **HB 18**, **HB 114**, **HB 115**, **HB 138**, **HB 141**, **HB 202**.
Signed by Secretary of the Senate at 3:25 p.m., February 18, 2013: **SB 51**, **SB 65**, **SB 73**.
Signed by Secretary of the Senate at 3:20 p.m., February 19, 2013: **SB 5**, **SB 36**, **SB 75**, **SB 141**.
Signed by Secretary of the Senate at 3:25 p.m., February 20, 2013: **SB 90**.
Signed by President at 3:25 p.m., February 19, 2013: **SB 5**, **SB 36**, **SB 75**, **SB 141**.
Signed by President at 4:00 p.m., February 19, 2013: **SB 51**, **SB 65**, **SB 73**.
Signed by Speaker at 9:05 a.m., February 20, 2013: **SB 51**, **SB 65**, **SB 73**.
Signed by Speaker at 9:10 a.m., February 20, 2013: **SB 5**, **SB 36**, **SB 75**, **SB 141**.
Delivered to the Governor for approval at 10:29 a.m., February 20, 2013: **SB 5**, **SB 36**, **SB 51**, **SB 65**, **SB 73**, **SB 75**, **SB 141**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 2/19/2013
SB 215, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "JUSTICE"
Insert: "COMMERCE"

2. Page 1, line 23.
Strike: "justice"
Insert: "commerce"

3. Page 1, line 24.
Strike: "20"
Insert: "18"

4. Page 3, line 3.
Strike: "20"
Insert: "18"

5. Page 3, line 6.
Strike: "justice"
Insert: "commerce"

And, as amended, do pass. Report adopted.

SB 301, introduced bill, be amended as follows:

1. Page 1, line 17.
Strike: "to the notice"
Strike: "mailing"
Insert: "receipt"

2. Page 1, line 21 through line 22.
Strike: "If within" on line 21 through "property, the" on line 22
Insert: "The"

3. Page 1, line 24.
Following: "property"
Insert: "if:
(i) within 10 days of sending the certified letter to the address on the tax records or to the agent for service, the board is unable to determine the owner of the property; or
(ii) the letter cannot be delivered because the landowner or the landowner's representative refuses to sign the receipt or does not reside on the property"

4. Page 2, line 13.
Strike: "mailing of"
Insert: "receiving"

5. Page 3, line 2.
Following: "10 days of"
Insert: "the landowner's receipt of the"

6. Page 3, line 3 through line 6.
Strike: ":" on line 3 through "(a)" on line 4
Strike: ";or" on line 4 through "7-1-2121" on line 6

7. Page 3, line 7.
Strike: "the board has issued a"
Insert: "receiving"

8. Page 3, line 19 through line 20.
Strike: "upon" on line 19 through "court" on line 20

9. Page 4, line 5.
Following: "penalty"
Insert: "provided for in subsection (4)(b)"

10. Page 4, line 21.
Following: "this act]."
Insert: "The department may select the manner in which the information may be distributed, including distribution by electronic means."

11. Page 6, line 10.
Strike: "**-- lien**"
Strike: "(a)"

12. Page 6, line 13.
Strike: "(b)"
Insert: "(2)"

13. Page 6, line 18.
Strike: "(c)"
Insert: "(3)"
Strike: "(1)(b)"
Insert: "(2)"

14. Page 6, line 19 through line 21.
Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/19/2013
HB 199, be concurred in. Report adopted.
HB 243, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/20/2013
SB 128, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "REVISING WHEN"
Insert: "PROVIDING THAT"

2. Title, page 1, line 5.
Following: "PAID"
Insert: "WHEN AN EMPLOYEE LEAVES FOR GOOD CAUSE"

3. Page 1, line 11.
Following: "**accounts**"
Insert: "**-- definition**"

4. Page 1, line 18.
Following: "~~services~~"
Strike: ";"
Insert: "without good cause. The department shall determine a claimant left work with good cause attributable to employment when:

(i) the claimant had compelling reasons arising from the work environment that caused the claimant to leave and the claimant:

(A) attempted to correct the problem in the work environment; and

(B) informed the employer of the problem and gave the employer reasonable opportunity to correct the problem;

(ii) the claimant left work that the department determines to be unsuitable; or

(iii) the claimant left work within 30 days of returning to state-approved training.

5. Page 2.
Following: line 2
Insert: "(3) For purposes of this section, the term "compelling reasons" includes but is not limited to:

(a) undue risk of injury, illness, or physical impairment or reasonably foreseeable risk to the claimant's morals;

(b) unreasonable actions by the employer concerning hours, wages, terms of employment, or working conditions;

(c) a condition underlying a workers' compensation or occupational disease claim for which liability has been accepted by a workers' compensation insurer. If the condition is one for which liability has not been accepted by the workers' compensation insurer, the department shall independently evaluate the condition to determine whether the condition appears to result from the claimant's employment. If the condition appears to the satisfaction of the department to be related to work, the department shall consider the condition to provide a compelling reason for leaving work.

(d) unreasonable rules or discipline by the employer so severe as to constitute harassment."

And, as amended, do pass. Report adopted.

SB 294, do pass. Report adopted.
HB 261, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 2/20/2013
SB 264, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Strike: "IMMEDIATE"

2. Page 6, line 4.
Strike: "and (4)"
Insert: "through (5)"

3. Page 6.
Following: line 13
Insert: "(4) An insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy for nonpayment of premium with at least 10 days' notice."
Renumber: subsequent subsections

4. Page 6, line 16.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

5. Page 12, line 21.
Strike: "on passage and approval"
Insert: "August 1, 2013"

And, as amended, do pass. Report adopted.

SB 327, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 2/19/2013
SB 344, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 19, 2013

Senator Jeff Essmann, President
Montana Senate
Helena, Montana 59620

Dear President Essmann:

On Tuesday, February 19, 2013, I signed the following Senate bill:

Senate Bill 121 - Fielder

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/19/2013

SB 90, introduced by Olson

House bills passed and transmitted to the Senate for concurrence: 2/19/2013

HB 66, introduced by Hoven
HB 95, introduced by Wilmer
HB 163, introduced by Flynn
HB 189, introduced by Lenz
HB 287, introduced by Salomon
HB 334, introduced by Eck
HB 367, introduced by McNiven
HB 371, introduced by Ingraham

MOTIONS

SB 19 - Senator Wittich moved consideration of **SB 19** be passed for the day, and that **SB 19** be placed on second reading Tuesday, February 26, 2013, the forty-third legislative day. Without objection, so ordered.

SB 195 - Senator Blewett moved **SB 195** be taken from second reading this date and returned to the Judiciary committee. Without objection, so ordered.

SB 353 - Senator Walker moved **SB 353** be moved from the Select Committee on Pensions to the State Administration committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 362, introduced by Windy Boy, referred to Judiciary.
SB 363, introduced by Caferro, referred to Business, Labor, and Economic Affairs.
SB 364, introduced by Vincent, referred to Natural Resources.
SB 365, introduced by D. Brown, Jackson, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Stewart-Peregoy in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 63 - Senator Facey moved **HB 63** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 40

Nays: Brenden, D. Brown, Ripley, Rosendale, Sales, Taylor, Vincent, Webb, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 199 - Senator Thomas moved **SB 199** do pass.

SB 199 - Senator Facey moved **SB 199**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Strike: "IMMEDIATE"

2. Page 3, line 11.
Strike: "on passage and approval"
Insert: "July 1, 2013"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Jackson.
Total 1

Absent or not voting: None.

Total 0

Excused: Jent.
Total 1

SB 199 - Senator Thomas moved **SB 199**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Jackson, Priest, Sales, Sonju, Vincent, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 203 - Senator Buttrey moved **SB 203** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 291 - Senator Arntzen moved **SB 291** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones,

Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 81 - Senator L. Jones moved **HB 81** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 35

Nays: Boulanger, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 249 - Senator Debby Barrett moved **SB 249** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Jent.
Total 1

HB 77 - Senator Malek moved **HB 77** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 37

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Fielder, Jackson, Rosendale, Sales, Sonju, Vincent, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 233 - Senator Peterson moved **SB 233** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 278 - Senator Peterson moved **SB 278** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann,

Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Fielder, Jackson.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Stewart-Peregoy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 212 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb,

Windy Boy, Mr. President.
Total 39

Nays: Arntzen, Boulanger, D. Brown, Moore, Priest, Sales, Sonju, Taylor, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 125 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 107 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 38

Nays: Boulanger, Brenden, D. Brown, Jackson, Lewis, Ripley, Rosendale, Sales, Thomas, Webb, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 169 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 193 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 245 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt,

Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 48

Nays: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 217 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones , Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, February 21, 2013, the thirty-ninth legislative day. Motion carried.

Senate adjourned at 2:18 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 21, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/21/2013

Correctly printed: **SB 203**, **SB 233**, **SB 249**, **SB 278**, **SB 291**, **SB 294**, **SB 327**, **SB 344**, **SB 362**, **SB 363**, **SB 364**, **SB 365**, **HB 63**, **HB 77**, **HB 81**, **HB 199**, **HB 243**, **HB 261**.
Correctly engrossed: **SB 199**.
Transmitted to the House: **SB 107**, **SB 125**, **SB 212**, **SB 217**, **SB 245**, **HB 169**, **HB 193**.
Signed by the Secretary of the Senate at 3:25 p.m., February 20, 2013: **SB 90**.
Signed by the President at 8:00 a.m., February 21, 2013: **SB 90**.
Signed by the Speaker at 10:25 a.m., February 21, 2013: **SB 90**.
Delivered to the Governor for approval at 11:22 a.m., February 21, 2013: **SB 90**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Jackson, Vice Chair): 2/21/2013
SB 182, introduced bill, be amended as follows:

1. Page 4, line 15.
Following: "kind"
Insert: ", quality,"

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair): 2/21/2013
SB 195, introduced bill, be amended as follows:

1. Page 1, line 20.
Strike: "an"
Following: "employer-issued" on line 20
Insert: "software, e-mail accounts, or"
Strike: "device"
Insert: "devices"

2. Page 1, line 21.
Following: line 21

Insert: "(3) Nothing in this section prohibits or restricts an employer from complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications that is established under federal law or by a self-regulatory organization, as defined in section 3(a)(26) of the Securities and Exchange Act of 1934, 15 U.S.C. 78c(a)(26)."
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 207, introduced bill, be amended as follows:

1. Title, page 1, line 15.
Strike: "IMMEDIATE EFFECTIVE"
Insert: "APPLICABILITY"

2. Page 9, line 6.
Strike: section 15 in its entirety
Insert: "NEW SECTION. **Section 15. Applicability.** [This act] applies to proceedings begun on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 259, do pass. Report adopted.
SB 262, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/20/2013
SB 237, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "PURCHASES"
Insert: "BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

2. Title, page 1, line 8.
Strike: "CERTAIN LAND ACQUISITIONS"
Insert: "FISHING ACCESS SITES"

3. Title, page 1, line 9.
Strike: "2-17-101," through "22-3-1003,"
Following: "23-1-102,"
Strike: remainder of line 9

4. Title, page 1, line 10.
Strike: "77-1-102," through "85-1-209,"

5. Page 1, line 15 through page 8, line 25.

Strike: section 1 through section 6 in their entirety
Renumber: subsequent sections

6. Page 9, line 24 through page 21, line 2.
Strike: section 8 through section 17 in their entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 288, introduced bill, be amended as follows:

1. Page 1, line 27.
Strike: "Montana-licensed and Montana-certified"
Insert: "qualified by training approved by the federal highway administration"

2. Page 12.
Following: line 28
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If [this act] is passed and approved and Senate Bill No. 180 is passed and approved, then the amendments to 70-30-101 contained in [section 3 of this act] are void, and 70-30-101 must be amended as follows:

"70-30-101. ~~Eminent domain defined~~ Definitions. As used in this chapter, the following definitions apply:

(1) "Appraisal" means the written estimate of the fair market value of a property by a certified general appraiser in accordance with [section 1].

(2) "Comparable sales" means the value of a property interest that is similar to a property being appraised and that is sold by one party to another in an arm's-length transaction.

(3) ~~Eminent domain is~~ "Eminent domain" means the right of the state or its agents in charge of the public use to take private property for public use. This right may be exercised in the manner provided in this chapter.

(4) "Merchant transmission line" means a transmission facility that transmits electricity for which costs are not established and recovered by a Montana regulatory authority, the owner or operator of which charges rates or assumes market risks for transmitting electricity for third parties that meet current criteria for evaluating merchant transmission projects by the federal energy regulatory commission. A merchant transmission line consists of a single transmission line with specified termination points constructed and entered into service as a single unit.

(5) "State or its agents" means an entity able to take private property in accordance with this chapter for a public use enumerated in 70-30-102. An entity may otherwise be delegated the power of eminent domain in statute for a public use enumerated in 70-30-102.

(5) "Subject property" means the property interest being appraised.""

Insert: "COORDINATION SECTION. **Section 13. Coordination instruction.** If [this act] is passed and approved and Senate Bill No. 180 is passed and approved, then the amendments to 70-30-102 contained in [section 4 of this act] are void, and 70-30-102 must be amended as follows:

"70-30-102. Public uses enumerated. Subject to the provisions of this chapter, the right

of eminent domain may be exercised for the following public uses:

(1) all public uses authorized by the government of the United States;

(2) public buildings and grounds for the use of the state and all other public uses authorized by the legislature of the state;

(3) public buildings and grounds for the use of any county, city, town, or school district;

(4) canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any county, city, or town;

(5) projects to raise the banks of streams, remove obstructions from streambanks, and widen, deepen, or straighten stream channels;

(6) water and water supply systems as provided in Title 7, chapter 13, part 44;

(7) roads, streets, alleys, controlled-access facilities, and other publicly owned buildings and facilities for the benefit of a county, city, or town or the inhabitants of a county, city, or town;

(8) acquisition of road-building material as provided in 7-14-2123;

(9) stock lanes as provided in 7-14-2621;

(10) parking areas as provided in 7-14-4501 and 7-14-4622;

(11) airport purposes as provided in 7-14-4801, 67-2-301, 67-7-210, and Title 67, chapters 10 and 11;

(12) urban renewal projects as provided in Title 7, chapter 15, parts 42 and 43, except that private property may be acquired for urban renewal through eminent domain only if the property is determined to be a blighted area, as defined in 7-15-4206(2)(a), (2)(h), (2)(k), or (2)(n), and may not be acquired for urban renewal through eminent domain if the purpose of the project is to increase government tax revenue;

(13) housing authority purposes as provided in Title 7, chapter 15, part 44;

(14) county recreational and cultural purposes as provided in 7-16-2105;

(15) city or town athletic fields and civic stadiums as provided in 7-16-4106;

(16) county cemetery purposes pursuant to 7-11-1021, cemetery association purposes as provided in 35-20-104, and state veterans' cemetery purposes as provided in 10-2-604;

(17) preservation of historical or archaeological sites as provided in 23-1-102 and 87-1-209(2);

(18) public assistance purposes as provided in 53-2-201;

(19) highway purposes as provided in 60-4-103 and 60-4-104;

(20) common carrier pipelines as provided in 69-13-104;

(21) water supply, water transportation, and water treatment systems as provided in 75-6-313;

(22) mitigation of the release or threatened release of a hazardous or deleterious substance as provided in 75-10-720;

(23) the acquisition of nonconforming outdoor advertising as provided in 75-15-123;

(24) screening for or the relocation or removal of junkyards, motor vehicle graveyards, motor vehicle wrecking facilities, garbage dumps, and sanitary landfills as provided in 75-15-223;

(25) water conservation and flood control projects as provided in 76-5-1108;

(26) acquisition of natural areas as provided in 76-12-108;

(27) acquisition of water rights for the natural flow of water as provided in 85-1-204;

(28) property and water rights necessary for waterworks as provided in 85-1-209 and 85-7-1904;

(29) conservancy district purposes as provided in 85-9-410;

(30) wharves, docks, piers, chutes, booms, ferries, bridges, private roads, plank and

turnpike roads, and railroads;

(31) canals, ditches, flumes, aqueducts, and pipes for:

(a) supplying mines, mills, and smelters for the reduction of ores;

(b) supplying farming neighborhoods with water and drainage;

(c) reclaiming lands; and

(d) floating logs and lumber on streams that are not navigable;

(32) sites for reservoirs necessary for collecting and storing water. However, reservoir sites must possess a public use demonstrable to the district court as the highest and best use of the land.

(33) roads, tunnels, and dumping places for working mines, mills, or smelters for the reduction of ores;

(34) outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines, mills, and smelters for the reduction of ores;

(35) an occupancy in common by the owners or the possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction of ores and sites for reservoirs necessary for collecting and storing water for the mines, mills, or smelters. However, the reservoir sites must possess a public use demonstrable to the district court as the highest and best use of the land.

(36) private roads leading from highways to residences or farms;

(37) telephone or electrical energy lines, except that:

(a) local government entities as defined in 2-7-501, municipal utilities, or competitive electricity suppliers may not use this chapter to acquire existing telephone or electrical energy lines and appurtenant facilities owned by a public utility or cooperative for the purpose of transmitting or distributing electricity or providing telecommunications services; and

(b) a merchant transmission line may not use this chapter to acquire property;

(38) telegraph lines;

(39) sewerage of any:

(a) county, city, or town or any subdivision of a county, city, or town, whether incorporated or unincorporated;

(b) settlement consisting of not less than 10 families; or

(c) public buildings belonging to the state or to any college or university;

(40) tramway lines;

(41) logging railways;

(42) temporary logging roads and banking grounds for the transportation of logs and timber products to public streams, lakes, mills, railroads, or highways for a time that the court or judge may determine. However, the grounds of state institutions may not be used for this purpose.

(43) underground reservoirs suitable for storage of natural gas;

(44) projects to mine and extract ores, metals, or minerals owned by the ~~condemnor~~ state or its agents located beneath or upon the surface of property where the title to the surface vests in others. However, the use of the surface of property for strip mining or open-pit mining of coal (i.e., any mining method or process in which the strata or overburden is removed or displaced in order to extract the coal) is not a public use, and eminent domain may not be exercised for this purpose.

(45) projects to restore and reclaim lands that were strip mined or underground mined for coal and not reclaimed in accordance with Title 82, chapter 4, part 2, and to abate or control adverse effects of strip or underground mining on those lands."

"

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 316, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "ELEMENTS"
Insert: "FEATURES AND IMPROVEMENTS"

2. Page 5, line 3.
Strike: "elements"
Insert: "features and improvements"

3. Page 8, line 10.
Strike: "or well isolation zone"

4. Page 8, line 13 and 14.
Strike: "A well" on line 13 through "extension." on line 14

And, as amended, do pass. Report adopted.

SB 332, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "SECTIONS"
Insert: "7-14-2124,"

2. Title, page 1, line 7.
Strike: "82-4-434,"

3. Page 1, line 11.
Following: line 10
Insert: "Section 1. Section 7-14-2124, MCA, is amended to read:

"7-14-2124. Disposition of surplus crushed rock and gravel. (1) ~~Any crushed~~ Crushed rock or gravel not directly used or needed by the county in the construction, repair, or maintenance of its roads may be sold by the board of county commissioners at not less than actual cost of production to only a:

(a) ~~any~~ person, firm, or corporation desiring to use it upon any public street or highway in the county; or

(b) landowner for personal use in an area within 5 miles of the opencut operation where the materials were mined.

(2) The proceeds of any ~~such~~ sale ~~shall~~ must be paid into the county road fund.""

Renumber: subsequent sections

4. Page 5, line 7.
Strike: "(4) and (5)"
Insert: "(5) and (6)"

5. Page 5, line 26.
Following: line 25
Insert: "(3) At the operator's request and with department approval, the operator may have up to 1 additional year to perform the reclamation required by subsection (2)(c), provided the operator does not apply to extend or continue the limited opencut operation pursuant to subsection (4)."
Renumber: subsequent subsections

6. Page 5, line 27.
Strike: "(3)"
Insert: "(4)"

7. Page 12, line 8 through page 14, line 8.
Strike: section 7 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SJR 15, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/20/2013
SB 223, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "REVISING THE ASSESSMENT REQUIREMENT;"

2. Title, page 1, line 8.
Following: "33-22-1502,"
Insert: "AND"
Following: "33-22-1504,"
Strike: "AND 33-22-1513,"

3. Page 6, line 13 through page 8, line 17.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 292, do pass. Report adopted.
SB 296, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/20/2013
SB 242, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "MILITARY SERVICE"
Following: "AWARD"
Insert: "OF VALOROUS SERVICE"

2. Title, page 1, line 7.
Following: "MEDAL;"
Insert: "AUTHORIZING THE DEPARTMENT OF MILITARY AFFAIRS TO ACCEPT AND SPEND PRIVATE DONATIONS TO FUND THE AWARD;"

3. Page 1, line 14.
Strike: "Iraq and Afghanistan"
Insert: "countries around the world"

4. Page 1, line 26.
Strike: "military service"
Following: "award"
Insert: "of valorous service"

5. Page 1, line 27.
Strike: "military service"
Following: the first "award"
Insert: "of valorous service"

6. Page 1, line 28.
Following: "who were"
Insert: "legal"

7. Page 1, line 28 through line 29.
Strike: "at one time" on line 28 through "lives" on line 29
Insert: "or were stationed in or deployed from Montana"

8. Page 1, line 29.
Following: "after the"
Strike: "start" through "2003"
Insert: "declaration of World War II on December 8, 1941"

9. Page 1, line 29.
Following: "line of duty"
Insert: "or were classified as missing in action"

10. Page 2, line 5.

Strike: "military service"
Following: "award"
Insert: "of valorous service"

11. Page 2, line 6.
Strike: "military service"
Following: "award"
Insert: "of valorous service"

12. Page 2, line 8.
Strike: "family" through "recipients"
Insert: "a surviving family member, as designated by the award recipient in the defense enrollment eligibility reporting system or by law,"

13. Page 2, line 9.
Strike: "a"
Insert: "the surviving"
Following: "member"
Strike: "or designated representative"

14. Page 2, line 10.
Following: "mailed to the"
Insert: "surviving"

15. Page 2, line 10 through line 11.
Strike: "or designated" on line 10 through "representative" on line 11

16. Page 2, line 12.
Following: "(3)"
Insert: "(a)"

17. Page 2, line 13.
Following: "recipients"
Insert: ", including the appropriate surviving family member"
Following: "coordinate with"
Insert: "the surviving"

18. Page 2, following line 14.
Insert: "(b) Surviving family members or service organizations shall notify the department of military affairs if the surviving family member believes a deceased relative is eligible or if a service organization is aware of possible award recipients."

19. Page 2, following line 16.
Insert: "NEW SECTION. **Section 2. Authorization of other funding source.** The department of military affairs is authorized to accept and expend up to $20,000 in funds from

donations to purchase and mail medals to surviving family members."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 20, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Wednesday, February 20, 2013, I signed the following Senate bills:

Senate Bill 32 - Facey
Senate Bill 87 - F. Moore

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/20/2013
SB 47, introduced by Keane

Senate amendments to House bill concurred in: 2/20/2013
HB 47, introduced by McClafferty

House bills passed and transmitted to the Senate for concurrence: 2/20/2013
HB 281, introduced by C. Smith
HB 345, introduced by C. Smith

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 366, introduced by Arthun, referred to State Administration.

SB 367, introduced by Malek, Coffin, Hollandsworth, Larsen, referred to Judiciary.
SB 368, introduced by Phillips, referred to State Administration.
SB 369, introduced by Facey, Hamlett, Ripley, Vincent, referred to Taxation.
SB 370, introduced by Essmann, referred to Public Health, Welfare and Safety.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 19, introduced by Larsen, Augare, Blewett, Driscoll, Facey, Jergeson, Kaufmann, Malek, Phillips, Sesso, Tropila, Van Dyk, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 160 - Senator Tropila moved **SB 160** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 176 - Senator Peterson moved **SB 176** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: D. Brown, Priest.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 54 - Senator Facey moved **SB 54** do pass.

SB 54 - Senator Facey moved **SB 54**, second reading copy, be amended as follows:

1. Page 2.
Following: line 10
Insert: "(3) An employer shall file a roster of service with the clerk and recorder in the county in which the employer is located and update the roster of service monthly if necessary to report changes in the number of volunteers on the roster of service. The clerk and recorder shall file the original and replace it with updates whenever necessary."
Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 54 - Senator Facey moved **SB 54**, as amended, do pass. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jones, Lewis, Moore, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 54 - Senator Wittich moved **SB 54** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 181 - Senator Caferro moved **SB 181** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Jent.

Total 1

SB 270 - Senator Buttrey moved **SB 270** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 224 - Senator Debby Barrett moved **SB 224** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 34 - Senator Caferro moved **SB 34** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: D. Brown, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 185 - Senator Sesso moved **SB 185** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 63 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Brenden, D. Brown, Fielder, Rosendale, Taylor, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 203 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 291 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 81 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Nays: Arntzen, Boulanger, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 249 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 77 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.
Total 38

Nays: Barrett Debby, Boulanger, Fielder, Jackson, Rosendale, Sales, Sonju, Walker, Wanzenried, Wittich, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 233 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 278 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Fielder, Jackson.
Total 2

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 371, introduced by Thomas, referred to Highways and Transportation.

MOTIONS

Senator Murphy moved to change his vote on **SB 54** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, February 22, 2013, the fortieth legislative day. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FORTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 22, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/22/2013

Correctly printed: **SB 34**, **SB 160**, **SB 176**, **SB 181**, **SB 185**, **SB 224**, **SB 259**, **SB 262**, **SB 270**, **SB 292**, **SB 296**, **SB 366**, **SB 367**, **SB 368**, **SB 369**, **SB 370**, **SB 371**, **SJR 15**, **SJR 19**.
Correctly engrossed: **SB 127**, **SB 135**, **SB 153**, **SB 173**, **SB 182**, **SB 195**, **SB 207**, **SB 223**, **SB 231**, **SB 237**, **SB 242**, **SB 247**, **SB 269**, **SB 275**, **SB 288**, **SB 312**, **SB 316**, **SB 319**, **SB 332**, **SB 343**, **SB 357**.
Correctly enrolled: **SB 47**.
Examined by the sponsor and found to be correct: **SB 47**.
Transmitted to the House: **SB 203**, **SB 233**, **SB 249**, **SB 278**, **SB 291**, **HB 63**, **HB 77**, **HB 81**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 2/21/2013
SB 336, do pass. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 2/22/2013
SB 343, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "EXPANDING THE NUMBER OF"
Insert: "REQUIRING TWO"

2. Title, page 1, line 6 through line 11.
Strike: "WHO ARE" on page 6
Insert: "TO BE"
Strike: "DIRECTING" on line 6 through "AUTHORITY;" on line 11

3. Title, page 1, line 12 through line 13.
Strike: "REQUIRING" on line 12 through "MANICURING;" on line 13
Strike: ", 37-31-203," on line 13
Insert: "AND"
Strike: "AND 37-31-311," on line 13

4. Page 2, line 3 through line 4.

Strike: "Not" through "three" on line 3
Insert: "Two"
Strike: "may" on line 3
Insert: "must"
Following: "be" on line 3
Strike: "members of or"
Strike: ", and" on line 3 through "school" on line 4

5. Page 2, line 12 through line 13.
Strike: subsection (6) in its entirety
Renumber: subsequent subsection

6. Page 2, line 17 through page 3, line 6.
Strike: section 2 in its entirety
Renumber: subsequent sections

7. Page 3, line 20.
Following: "(d)"
Insert: "(i)"

8. Page 3, line 21.
Following: "training"
Insert: ";"
Following: "or"
Insert: "(ii)"

9. Page 3, line 22.
Following: "practice."
Insert: "A person who qualifies for a license under this subsection (2)(d)(ii) has 2 years to complete board-approved coursework related to teaching methodology before a license to teach is renewed."

10. Page 3, line 24 through page 6, line 10.
Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

SB 357, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "INSURANCE;"
Insert: "AND"

2. Page 2, line 20.
Strike: "or"

3. Page 2, line 21.
Following: "33-17-211"
Insert: "; or
(f) a casualty insurance producer, for the purposes of a separate exam for prepaid legal insurance, if the casualty insurance producer sells prepaid legal insurance as of [the effective date of this act] and continues to maintain a license in good standing as a casualty insurance producer"

And, as amended, do pass. Report adopted.

HB 190, be concurred in. Report adopted.
HB 212, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 2/21/2013
SB 153, introduced bill, be amended as follows:

1. Page 2, line 13.
Strike: "Pondera,"
Insert: "Prairie,"

2. Page 2, line 15.
Following: "Fallon,"
Insert: "Musselshell,"
Following: "Powder River,"
Strike: "Prairie,"

3. Page 2, line 17.
Following: "~~Deer Lodge,~~"
Insert: "Deer Lodge,"

4. Page 2, line 18.
Strike: "Musselshell,"

5. Page 2, line 19.
Strike: "Deer Lodge,"
Following: "~~Powell,~~"
Insert: "Powell,"

6. Page 2, line 21.
Strike: "Powell,"
Insert: "Pondera,"

And, as amended, do pass. Report adopted.

SB 247, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "ALLOWING" on line 5 through "ACCOUNTS;" on line 7
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 69-8-603"

2. Page 5, line 29 through page 6, line 29.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 312, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "state"
Insert: "."

2. Page 1, line 18.
Strike: line 18

And, as amended, do pass. Report adopted.

SB 325, do pass. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 2/21/2013
SB 127, introduced bill, be amended as follows:

1. Page 4, line 30.
Following: "of"
Insert: "express"

2. Page 5, line 1.
Following: "employee"
Insert: ", including conduct that would be considered by a reasonable person to be:
(A) unprofessional or inappropriate;
(B) a conflict of interest;
(C) a breach of public trust;
(D) unacceptable customer service;
(E) disrespectful toward the employer, coworkers, supervisors, managers, subordinates, clients, or customers;
(F) a failure to maintain the qualification, certification, licensure, or training requirements identified for the position;
(G) a failure to utilize leave and related employee benefits in the manner for which they were intended;

(H) a failure to resolve work-related issues and disputes in a professional manner;
(I) a failure to make work-related decisions or take actions that are in the best interest of the employer; and
(J) a failure to act in a manner that supports the mission of the employer"

And, as amended, do pass. Report adopted.

SB 135, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.
Following: "REPORT" on line 5
Strike: remainder of line 5 through "LEGISLATURE;" on line 7
Insert: "TO THE LEGISLATURE IF FEDERAL GRANTS AWARDED ARE NOT AT LEAST 90% OF THE AMOUNT ANTICIPATED AND WITH CONTINGENCY PLANS IF ANTICIPATED FEDERAL FUNDS ARE REDUCED; AMENDING SECTION 17-3-102, MCA;"

2. Page 1, line 12 through page 2, line 21.
Strike: sections 1 through 3 in their entirety
Insert: "Section 1. Section 17-3-102, MCA, is amended to read:
"17-3-102. Definitions. As used in this part, the following definitions apply:
(1) "Application" means the form specified by a federal agency.
(2) "Federal assistance programs" means any financial assistance made to a state agency by an agency of the United States government, whether a grant, loan, gift, contract, or in any other form.
(3) "Grantee agency" means any agency of state government receiving federal funds.
(4) "Indirect costs" means costs that benefit more than one agency or program and that are not readily assignable to the agency or program specifically benefiting.
(5) "Service agency" means state agencies that provide goods, facilities, and services to a grantee agency.
(6) "State agency" means any agency of state government eligible to apply for and receive federal funds.
(7) "University system unit" means a unit within the Montana university system provided for in 20-25-201.""

Insert: "NEW SECTION. **Section 2. Federal reporting requirements.** For each federal grant in excess of $1 million, each state agency and university system unit shall report in electronic form to the legislative fiscal division for consideration by the legislative finance committee:
(1) whenever grants received in any year are less than 90% of anticipated amounts as appropriated by the legislature for that year. The report must include a short description of the impact of the discrepancy and how it was addressed by the agency or university system unit.
(2) by October 1 of each odd-numbered fiscal year, a plan for operating the agency or university system unit if there is a reduction of 5%, 10%, and 20% in the anticipated federal funds that the agency or university system receives."
Renumber: subsequent sections

3. Page 2, line 23.
Following: "**instruction**."
Strike: "[Sections 1 through 3] are"
Insert: "[Section 2] is"

4. Page 2, line 24.
Strike: "2" in two places
Insert: "17" in two places
Strike: "[sections 1 through 3]"
Insert: "[section 2]"

And, as amended, do pass. Report adopted.

SB 173, introduced bill, be amended as follows:

1. Title, page 1, line 14.
Following:"FUND;"
Insert: "REQUIRING A ONE-TIME TRANSFER FROM THE STATE FUND'S ASSETS TO ITS POLICYHOLDERS; "

2. Page 5.
Following: line 19
Insert: "NEW SECTION. **Section 6. Fund payment.** Prior to June 30, 2015, the state compensation insurance fund created in 39-71-2313 shall pay to its policyholders of record who pay for workers' compensation premiums for plan year 2014 $7 million out of its surplus generated by income on premiums paid to the state fund based on wages payable on or after July 1, 1990. The payment must be proportionately distributed based on premium payments due for plan year 2014. The payment is not a dividend. The state fund may determine the method of payment."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 269, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: ":"AN ACT"
Insert: "GENERALLY REVISING BUDGET LAWS;"

2. Title, page 1, line 5 and line 6.
Following: "BUDGET;" on line 5
Strike: remainder of line 5 through "INFORMATION;" on line 6

3. Page 2, line 5.
Following: "books,"
Strike: "spreadsheets, analysis,"

4. Page 4, line 10.
Following: "~~proposal.~~"
Insert: "The distinction between new proposals and present law adjustments to the base budget is determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal."

5. Page 5, line 30.
Following: "~~proposal.~~"
Insert: "The distinction between new proposals and present law adjustments to the base budget is determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal."

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 2/21/2013
SB 256, do pass. Report adopted.
SB 305, do pass. Report adopted.
SB 328, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 2/21/2013
SB 275, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "issue a document to the person confirming"
Insert: "verify"

2. Page 1, line 14 through line 15.
Strike: "The" on line 14 through "when" on line 15
Insert: "When"

3. Page 1, line 16.
Following: "61"
Insert: ","
Strike: "and requests"
Insert: "the person may request"

4. Page 4, line 19.
Following: "<u>receiving</u>"
Insert: "a request"
Strike: "<u>an applicant a document confirming the applicant's</u>"
Insert: "a person whose"

5. Page 4, line 20.

Strike: "issued"
Insert: "has been verified"

And, as amended, do pass. Report adopted.

SB 314, do pass. Report adopted.
SB 319, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "15-1-504,"
Insert: "61-3-116,"

2. Page 1, line 12 through line 28.
Strike: section 1 in its entirety
Insert: "Section 1. Section 61-3-116, MCA, is amended to read:

"61-3-116. Services that may be performed by authorized agent. (1) The department may authorize a person to perform, on the department's behalf, specific motor vehicle titling, registration, or driver licensing functions assigned to or administered by the department under this title. The authorization must be evidenced by an authorized agent agreement.

(2) An authorized agent must meet all of the requirements established by the department.

(3) An authorized agent shall, within the time period prescribed in the authorized agent agreement, submit to the department or its designee all statutorily prescribed fees, taxes, or penalties the authorized agent collects.

(4) (a) Except when specifically prohibited by statute or the authorized agent agreement, in addition to statutorily prescribed fees, taxes, and penalties, an authorized agent may collect and retain a reasonable convenience fee for services provided.

(b) If an authorized agent is a municipal or county officer, the convenience fee may be charged and collected as permitted under 7-5-2133 or 7-5-4125.

(5) The department may provide an automated mechanism to ensure that any statutorily prescribed fee, tax, or penalty collected by an authorized agent or a county treasurer in a county other than the county where the owner of the vehicle is domiciled is transferred to the county treasurer of the county where the owner of a vehicle is domiciled.""

3. Page 3, line 25 through line 26.
Strike: "An" on line 25 through "department." on line 26

4. Page 6, line 30.
Strike: subsection (12) in its entirety

5. Page 7, line 23.
Following: "(b)"
Strike: "(i)"

6. Page 7, line 27.
Strike: subsection (ii) in its entirety

7. Page 10, line 10.
Strike: "and each authorized agent"

8. Page 10, line 16.
Strike: "and authorized agents"

9. Page 10, line 25.
Strike: "once" through "state"
Insert: "transmit the donations to the state as provided in 15-1-504 or 61-3-116"

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/21/2013
SB 231, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "REMOVING"
Insert: "REVISING"

2. Title, page 1, line 6.
Following: "LAND;"
Insert: "PROVIDING THAT EXISTING PROPERTY TAXES DUE ARE NOT EXTINGUISHED;"

3. Page 4, line 3.
Following: "~~acres,~~"
Insert: ", not to exceed 640 acres,"

4. Page 5, line 25.
Following: line 24
Insert: "NEW SECTION. **Section 2. Transition -- existing property taxes not extinguished.** [This act] does not extinguish existing property taxes, including but not limited to taxes due and owing, delinquent taxes, tax liens, and tax deeds on property that are in effect on December 31, 2013."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/21/2013

HB 203, introduced by Clark
HB 301, introduced by Halvorson
HB 335, introduced by Eck
HB 374, introduced by Fitzpatrick

HB 388, introduced by Cuffe
HB 389, introduced by Mehlhoff

MOTIONS

Senator Facey moved to reconsider second-reading action on **SB 54** and that **SB 54** be placed on second reading Monday, February 25, 2013, for the purpose of placing an amendment on the bill. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 40

Nays: Boulanger, Brenden, Ripley, Rosendale, Sales, Taylor, Walker, Webb, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Walker moved that **SB 227** be taken from State Administration and brought before the Committee of the Whole on Monday, February 25, 2013. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, T. Brown, Fielder, Hamlett, Jackson, Lewis, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 372, introduced by Boulanger, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 250 - Senator Debby Barrett moved **SB 250** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 235 - Senator Buttrey moved **SB 235** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Moore, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 239 - Senator Buttrey moved **SB 239** do pass.

SB 239 - Senator Buttrey moved **SB 239**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 9.
Strike: "PROVIDING" on page 1, line 8 through "AUTHORITY;" on line 9

2. Page 9, line 11.
Following: "**increments.**"
Strike: "(1)"

3. Page 9, line 16 through line 19.
Strike: subsection (2) in its entirety

4. Page 17, line 14 through line 19.
Strike: subsection (3) in its entirety

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich.
Total 42

Nays: Barrett Dick, Blewett, Kaufmann, Malek, Phillips, Wanzenried, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 239 - Senator Buttrey moved **SB 239**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson,

Rosendale, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Webb, Windy Boy.
Total 30

Nays: Arntzen, Barrett Debby, Barrett Dick, Blewett, Driscoll, Fielder, Kaufmann, Moore, Phillips, Priest, Ripley, Sales, Stewart-Peregoy, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator L. Jones moved **SB 175** do pass.

SB 175 - Senator F. Moore moved **SB 175**, second reading copy, be amended as follows:

1. Page 11, line 18 through line 24.
Following: "district" on line 18
Strike: "," on line 18 through "20-9-622(3)(A)" on line 24

2. Page 14, line 7 through line 8.
Strike: "THE GREATER" on line 7 through "OR" on line 8

Amendment **not** adopted as follows:

Yeas: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Rosendale, Sales, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 15

Nays: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 34

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Arntzen moved **SB 175**, second reading copy, be amended as follows:

1. Page 13, line 5.
Strike: "kindergarten" through "6"

2. Page 13, line 17.
Following: "(A)"
Insert: "with an ANB of 450 or fewer,"

3. Page 13, line 17 through line 18.
Strike: "for the school" on line 17 through "fewer" on line 18

4. Page 13, line 19.
Following: "(B)"
Insert: "with an ANB of more than 450,"

5. Page 13, line 19 through line 20.
Strike: "for the school" on line 19 through "450" on line 20

6. Page 15, line 4.
Strike: "for kindergarten through grade 6"
Insert: "in the elementary program"

7. Page 15, line 8.
Strike: "for grades 7 and 8"
Insert: "in the approved and accredited junior high school, 7th and 8th grade program, or middle school"

8. Page 15, line 9.
Strike: "for grades 7 and 8"

9. Page 22, line 23.
Strike: "7th"
Insert: "6th"

10. Page 22, line 24.
Strike: "the 7th"
Insert: "6th, 7th,"

Amendment **not** adopted as follows:

Yeas: Arntzen, Sonju, Taylor, Walker, Webb, Mr. President.
Total 6

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest,

Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 43

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Walker moved **SB 175**, second reading copy, be amended as follows:

1. Page 45, line 14.
Strike: "per-quality-educator"
Insert: "per-ANB"

2. Page 45, line 15 through line 16.
Strike: "quality" on line 15 through "by" on line 16
Insert: "ANB in"

Amendment **not** adopted as follows:

Yeas: Arntzen, Brenden, D. Brown, Fielder, Jackson, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 12

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 37

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Walker moved **SB 175**, second reading copy, be amended as follows:

1. Page 11, line 17 through line 24.
Strike: "for" on line 17 through "20-9-622(3)(A)" on line 24

2. Page 14, line 5.
Following: "district"

Insert: "."

3. Page 14, line 6 and line 7.
Strike: "," on line 6 through "GREATER OF" on line 7
Insert: "The amount determined under subsection (10)(b) is the amount of the payment for a school fiscal year, which is calculated by:
(a) determining the amount that is the greater of:
(i)"

4. Page 14, line 8.
Strike: "OR"
Insert: "; or
(ii)"

5. Page 14, line 11.
Following: "20-9-622(3)(A)"
Insert: "; and
(b) determining the amount that is the lesser of:
(i) the amount determined under subsection (10)(a); or
(ii) the amount resulting from multiplying 50% of the fiscal year 2012 oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) by the ratio formed by dividing the fiscal year average consumer price index 2 years prior to the payment by the fiscal year average consumer price index for fiscal year 2012"

Amendment **not** adopted as follows:

Yeas: Barrett Debby, Boulanger, Brenden, Fielder, Moore, Priest, Rosendale, Sales, Taylor, Walker, Webb, Wittich, Mr. President.
Total 13

Nays: Arntzen, Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 36

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Boulanger moved **SB 175**, second reading copy, be amended as follows:

1. Page 42, line 23.

Following: "~~not~~"
Insert: "not"

2. Page 42, line 24.
Strike: "in" through "budget"
Strike: "that"

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, Sales, Taylor, Thomas, Webb, Wittich, Mr. President.
Total 8

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 41

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Priest moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 1, line 11.
Strike: "NATURAL RESOURCE DEVELOPMENT"
Insert: "FOSSIL FUEL EXTRACTION"

2. Title, page 1, lines 14 and 15.
Strike: "NATURAL RESOURCE DEVELOPMENT"
Insert: "FOSSIL FUEL EXTRACTION"

3. Page 9, line 26.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

4. Page 11, line 17.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

5. Page 14, line 4.
Strike: "Natural resource development"

Insert: "Fossil fuel extraction"

6. Page 29, line 16.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

7. Page 29, line 24.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

8. Page 45, line 11.
Strike: "natural resource development"
Insert: "fossil fuel extraction"

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 14

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 35

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Priest moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 1, line 12.
Following: "DISTRICTS"
Insert: "UPON VOTER APPROVAL"

2. Title, page 1, line 15.
Following: the first "PAYMENT"
Insert: "UPON VOTER APPROVAL"

3. Page 11, line 17.
Following: "(b)"
Insert: "for districts in which electors have approved acceptance,"

4. Page 11, line 18 through line 24.
Following: "district" on line 18
Strike: "," on line 18 through "20-9-622(3)(A)" on line 24

5. Page 14, line 5.
Following: "district"
Insert: "in which electors have approved acceptance pursuant to [section 33]"

6. Page 46, line 15.
Following: line 14
Insert: "NEW SECTION. **Section 33. Natural resource development K-12 funding payment -- required election.** (1) The electors of a district shall annually vote to accept or reject the natural resource development K-12 payment provided in 20-9-306 on the regular school election day as provided in 20-3-304.

(2) The ballot for the natural resource development K-12 payment proposition must be substantially in the following form:

"OFFICIAL BALLOT

Should.... School District No....., ... County accept the natural resource development K-12 payment for the school fiscal year beginning July 1, ...?

[] FOR accepting the natural resource development K-12 payment.

[] AGAINST accepting the natural resource development K-12 payment.""
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, Fielder, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Sales moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Strike: "CREATING" through "FORCE;"

2. Page 2, line 18 through page 3, line 17.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 8, line 12 through line 13.
Strike: "in" on line 12 through "[section 1]" on line 13

4. Page 8, line 17 through line 18.
Strike: "and the" on line 17 through "collaborate to" on line 18
Insert: "shall"

5. Page 9, line 20.
Following: line 19
Insert: "(10) The superintendent of public instruction shall report to the education and local government interim committee, the senate education and cultural resources committee, and the house education committee regarding enhancements to the statewide data system pursuant to subsection (6)."

6. Page 15, line 12.
Strike: "[section 2]"
Insert: "[section 1]"

7. Page 15, line 23.
Strike: "2"
Insert: "1"

8. Page 17, line 1.
Strike: "32"
Insert: "31"

9. Page 39, line 28.
Strike: "27"
Insert: "26"

10. Page 46, line 28 through line 29.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

11. Page 46, line 30.
Strike: "2" through "31"
Insert: "1, 26, and 30"

12. Page 47, line 1.
Strike: "2" through "31"
Insert: "1, 26, and 30"

13. Page 47, line 2.
Strike: "26"
Insert: "25"

14. Page 47, line 3.
Strike: "26"
Insert: "25"

15. Page 47, line 10.
Strike: "28 AND 29"
Insert: "27 and 28"

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Rosendale moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 2, line 13.
Following: "PROVIDING"
Insert: "AN"
Strike: "DATES"
Insert: "DATE"

2. Page 11, line 20.
Strike: "2012"
Insert: "2014"

3. Page 12, line 19.
Strike: "2014"
Insert: "2016"

4. Page 12, line 21.
Strike: "2014"
Insert: "2016"

5. Page 12, line 22.
Strike: "2014"
Insert: "2016"

6. Page 12, line 28.
Strike: "2014"
Insert: "2016"

7. Page 12, line 30.
Strike: "2014"
Insert: "2016"

8. Page 13, line 1.
Strike: "2014"
Insert: "2016"

9. Page 13, line 8.
Strike: "2014"
Insert: "2016"

10. Page 13, line 10.
Strike: "2014"
Insert: "2016"

11. Page 13, line 11.
Strike: "2014"
Insert: "2016"

12. Page 13, line 17.
Strike: "2014"
Insert: "2016"

13. Page 13, line 19.
Strike: "2014"
Insert: "2016"

14. Page 13, line 21.

Strike: "2014"
Insert: "2016"

15. Page 14, line 7.
Strike: "2012"
Insert: "2014"

16. Page 14, line 23.
Strike: "2014"
Insert: "2016"

17. Page 14, line 28.
Strike: "2014"
Insert: "2016"

18. Page 15, line 3.
Strike: "2014"
Insert: "2016"

19. Page 15, line 7.
Strike: "2014"
Insert: "2016"

20. Page 17, line 1.
Strike: "32"
Insert: "31"

21. Page 45, line 26 through page 46, line 2.
Strike: section 31 in its entirety
Renumber: subsequent sections

22. Page 47, line 5 through line 10.
Strike: section 36 in its entirety
Insert: "NEW SECTION. **Section 36. Effective date -- applicability.** [This act] is effective July 1, 2015, and applies to school fiscal year 2016 and subsequent school fiscal years."

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Rosendale, Sales, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 14

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis,

Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 35

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - Senator Priest moved **SB 175**, second reading copy, be amended as follows:

1. Page 47, line 4.
Insert: "NEW SECTION. **Section 36. Nonseverability.** It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."
Renumber: subsequent section

Amendment **not** adopted as follows:

Yeas: Boulanger, Priest, Rosendale, Sales, Taylor, Walker, Webb, Wittich, Mr. President.
Total 9

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 40

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 - The Senate reverted to the original motion of Senator L. Jones which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 33

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Brenden, Sales, Sonju, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 199 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Boulanger, Sales, Wittich.

Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 160 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 176 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.
Total 43

Nays: Barrett Debby, D. Brown, Priest, Sales, Walker, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 181 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Driscoll, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 270 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 224 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.

Total 17

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 34 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 185 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

MOTIONS

Senator Van Dyk moved to change his vote on **SB 181** from Yes to No. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 2/22/2013
SB 210, do pass. Report adopted.
SB 267, do pass. Report adopted.
SB 306, do pass. Report adopted.
SB 320, do pass. Report adopted.
SB 321, do pass. Report adopted.
SB 331, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, February 23, 2013, the forty-first legislative day. Motion carried.

Senate adjourned at 4:09 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 23, 2013 — State Capitol

Senate convened at 8:01 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Jent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/23/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth through thirtieth legislative days, find the same to be correct.

Correctly printed: **SB 54**, **SB 175**, **SB 210**, **SB 235**, **SB 250**, **SB 256**, **SB 267**, **SB 305**, **SB 306**, **SB 314**, **SB 320**, **SB 321**, **SB 325**, **SB 326**, **SB 328**, **SB 331**, **SB 336**, **SB 352**, **SB 372**, **HB 190**, **HB 212**.
Correctly engrossed: **SB 7**, **SB 239**, **SB 251**, **SB 271**, **SB 290**, **SB 293**, **SB 302**, **SB 323**, **SB 324**, **SJR 18**.
Signed by the Secretary of the Senate at 7:30 a.m., February 23, 2013: **SB 47**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 2/22/2013
SB 251, introduced bill, be amended as follows:

1. Page 12, line 21 through line 22.
Strike: subsection (3) in its entirety
Insert: "(3) a description of the action or inaction proposed, the material facts upon which the trustee has relied in making its decision regarding the proposed action or inaction, and an explanation of the reasons for the action or inaction;
(4) a statement that failure of a qualified beneficiary to object within the allowed time bars the qualified beneficiary from taking any legal action against the trustee for liability within the scope of [section 22] except as provided in [section 22(3)] and that a qualified beneficiary may want to seek independent legal advice regarding the matter at the qualified beneficiary's expense;
(5) the time within which objections to the proposed action or inaction can be made, which must be at least 30 days from providing the notice of proposed action or notice of proposed inaction;"
Renumber: subsequent subsection

2. Page 12, line 30.
Following: "inaction."
Insert: "The written objection may take any form reasonably calculated to communicate the objection but need not give any reason for the objection."

3. Page 13, line 1.
Strike: "A"
Insert: "Except as provided in subsection (3), a"

4. Page 13, line 3.
Strike: "If"
Insert: "Except as provided in subsection (3), if"

5. Page 13.
Following: line 6
Insert: "(3) The failure of a qualified beneficiary to object does not preclude the qualified beneficiary from holding the trustee liable for a breach of trust in any of the following circumstances:

(a) if the qualified beneficiary at the time of the qualified beneficiary's failure to object did not have notice of the proposed action as prescribed in [sections 19 through 23]; or

(b) if the qualified beneficiary's failure to object was induced by improper conduct of the trustee."
Renumber: subsequent subsections

6. Page 13, line 9.
Strike: "a qualified beneficiary objecting to the proposed action"
Insert: "the trustee"

7. Page 13, line 10.
Strike: "not"

8. Page 13, line 19.
Strike: "a qualified beneficiary objecting to the proposed inaction"
Insert: "the trustee"

9. Page 13, line 20.
Following: "should"
Insert: "not"

10. Page 15, line 7 through line 11.
Strike: subsections (2) and (3) in their entirety
Insert: "(2) Unless specifically provided to the contrary in [sections 1 through 132] or unless inconsistent with [sections 1 through 132], the rules of civil procedure, including the rules concerning vacation of orders and appellate review, govern proceedings under [sections 1 through 132]."

11. Page 51, line 16 through line 17.
Strike: subsection (a) in its entirety
Insert: "(a) any loss or depreciation in value of the trust estate resulting from the breach of trust,

with interest;"

12. Page 51, line 18.
Following: "breach"
Insert: "of trust, with interest; or
(c) any profit that would have accrued to the trust estate if the loss of profit is the result of the breach of trust"

13. Page 51, line 22.
Following: "indifference to the"
Insert: "fiduciary duties of the trustee, the terms or"
Following: "purposes of the trust"
Insert: ","

14. Page 51, line 25.
Insert: "(3) If the trustee is liable for interest pursuant to this section, interest must be determined as the greater of the following amounts:
(a) the amount of interest that accrues at the legal rate on judgments; or
(b) the amount of interest the trustee actually received as a result of the breach of trust."

15. Page 53, line 2.
Following: "to the"
Insert: "fiduciary duties of the trustee, the terms or"
Following: "the trust"
Insert: ","
Following: "beneficiaries;"
Strike: "or"

16. Page 53, line 4.
Following: "settlor"
Insert: "; or
(c) relieves the trustee of accountability for profits derived from a breach of trust"

17. Page 53, line 6.
Following: "circumstances"
Strike: "and"
Insert: ","

18. Page 53, line 7.
Following: "settlor"
Insert: ", and that the settlor was represented by independent legal counsel before adopting the exculpatory term"

19. Page 56, line 8.
Following: "**action**"

Insert: "**-- substituted judgment**"

And, as amended, do pass. Report adopted.

SB 326, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 2/22/2013
SB 271, introduced bill, be amended as follows:

1. Page 2, line 9.
Strike: "has not entered into any"
Insert: "is not a party to any existing"

And, as amended, do pass. Report adopted.

SB 290, introduced bill, be amended as follows:

1. Page 1, line 14.
Strike: "1 mile"
Insert: "300 feet"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/22/2013
SB 352, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/22/2013

HB 170, introduced by Galt
HB 254, introduced by Cook
HB 255, introduced by Cook
HB 359, introduced by Fitzpatrick
HB 392, introduced by Doane
HB 446, introduced by Schwaderer
HB 463, introduced by G. Bennett
HB 469, introduced by Fitzpatrick

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Debby Barrett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 182 - Senator Sonju moved **SB 182** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Vincent.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 257 - Senator L. Jones moved **SB 257** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 41

Nays: Brenden, Jackson, Priest, Rosendale, Sales, Sonju, Vincent, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 264 - Senator Arntzen moved **SB 264** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 30

Nays: Arthun, Barrett Debby, Boulanger, Brenden, Buttrey, Fielder, Moore, Murphy, Olson, Ripley, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 207 - Senator Van Dyk moved **SB 207** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 259 - Senator Arntzen moved **SB 259** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 316 - Senator Fielder moved **SB 316** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 223 - Senator Caferro moved **SB 223** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Brenden, Ripley, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 292 - Senator Tutvedt moved **SB 292** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker,

Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Blewett, Hamlett, Stewart-Peregoy, Van Dyk.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 296 - Senator Thomas moved **SB 296** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Arthun, Augare, D. Brown, Driscoll.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 258 - Senator Wittich moved **SB 258** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 266 - Senator Rosendale moved **SB 266** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 242 - Senator Sesso moved **SB 242** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: D. Brown, Fielder, Murphy, Sales, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Debby Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones,

Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 250 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 34

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 235 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Fielder, Moore, Sales, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 175 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 2/22/2013
SB 302, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "ADMINISTRATIVE RULES"
Insert: "ACCREDITATION STANDARDS"

2. Title, page 1, line 7.
Following: "PROPOSED"
Strike: "ADMINISTRATIVE RULES"
Insert: "ACCREDITATION STANDARDS"
Following: "REQUIRING"
Strike: "ADMINISTRATIVE RULES"
Insert: "ACCREDITATION STANDARDS"

3. Title, page 1, line 10.
Strike: "RULES"
Insert: "STANDARDS"
Strike: "PROPOSED RULES"
Insert: "THOSE"

4. Title, page 1, line 11.
Strike: "ADMINISTRATIVE RULES"
Insert: "ACCREDITATION STANDARDS"

5. Page 1, line 20 through line 21.
Strike: "or other" on line 20 through "its authority" on line 21

6. Page 1, line 26.
Strike: "rule"

7. Page 1, line 28.
Strike: "board"
Insert: "interim committee"

8. Page 1, line 29.
Strike: "entity"
Insert: "third party"

9. Page 1, line 30 through page 2, line 1.
Strike: "The board" on page 1, line 30 through "comment." on page 2, line 1

10. Page 2, line 2.
Strike: "board"
Insert: "interim committee"

11. Page 2, line 2 through line 3.
Strike: "and the" on line 2 through "committee and" on line 3

12. Page 2, line 12.
Strike: "rule"

13. Page 2, line 13.
Strike: "or" through "authority"

14. Page 2, line 18.
Strike: "rule"

15. Page 2, line 23.
Strike: "rule"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 2/22/2013
SB 293, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 3.
Following: line 7
Insert: "NEW SECTION. **Section 2. Applicability.** [This act] applies to applications submitted on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 324, introduced bill, be amended as follows:

1. Page 2, line 8.
Strike: "recreational camping vehicle,"
Following: "home"
Strike: ","

2. Page 3.
Following: line 1
Insert: "(1) the building was in existence or under construction before [the effective date of this act];"
Renumber: subsequent subsections

3. Page 3, line 6.
Strike: "recreational camping vehicles or"

4. Page 3, line 11.
Strike: "(2)(d)"
Insert: "(3)(d)"

5. Page 3, line 18.
Strike: "**five**"
Insert: "**three**"

6. Page 3, line 19.
Strike: "five"
Insert: "three"

7. Page 3, line 22.
Strike: "more than"
Following: "acres"
Insert: "or more"

8. Page 3, line 30.
Strike: "**six**"
Insert: "**four**"

9. Page 4, line 1.
Strike: "six"
Insert: "four"

10. Page 4, line 4.
Strike: "six"
Insert: "four"

11. Page 4, line 10.
Strike: "and"

12. Page 4.
Following: line 10
Insert: "(v) existing wells; and"
Renumber: subsequent subsection

13. Page 4, line 11.
Following: "buildings"
Strike: "."
Insert: ";"

14. Page 4, line 26.
Strike: "**six**"
Insert: "**four**"

15. Page 5, line 5.
Strike: "six"
Insert: "four"

16. Page 5, line 9.
Strike: "**-- six or more structures**"

17. Page 5, line 10.
Strike: "additional"

18. Page 5, line 11.

Strike: "six or more"

19. Page 6, line 9.
Following: "department"
Insert: "or the local reviewing authority"

20. Page 6, line 11.
Strike: "and"
Insert: "or a landowner with a property boundary contiguous to the tract on which the buildings are proposed to be located"

21. Page 6, line 12.
Strike: "or local reviewing authority"

22. Page 6, line 13.
Strike: "or local reviewing authority"

23. Page 6.
Following: line 14
Insert: "(3) For the purposes of this section, "aggrieved" has the meaning provided in 76-3-625."

24. Page 8, line 10.
Strike: "further includes"

25. Page 8, lines 11 and 12.
Following: "condominium" on line 11
Insert: "."
Strike: "or area" on line 11 through "homes" on line 12
Insert: "The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which mobile homes will be placed"

26. Page 12, line 11.
Strike: "recreational camping vehicles or"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/22/2013
SB 265, do pass. Report adopted.
SB 335, do pass. Report adopted.
SB 337, do pass. Report adopted.
SB 345, do pass. Report adopted.
SB 347, do pass. Report adopted.
SJR 17, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/22/2013
SB 7, introduced bill, be amended as follows:

1. Page 1, line 21.
Following: "subsection (1)"
Insert: "and to the extent permitted by federal law"

2. Page 1, line 23.
Following: "(4)"
Strike: "The"
Insert: "To the extent permitted by federal law, the"

3. Page 1, line 24.
Following: "information"
Insert: "that the owner of the information agrees to provide and that is"

And, as amended, do pass. Report adopted.

SB 298, do pass. Report adopted.
SB 323, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "REQUIRING"
Insert: "PERMITTING"

2. Page 1, line 12.
Strike: "must"
Insert: "may"

3. Page 1, line 13.
Following: "diversion."
Insert: "Ongoing prescriptions for Schedule II and Schedule III drugs may be prescribed only by a treating physician."

4. Page 1, line 14.
Strike: "health care provider"
Insert: "treating physician"
Strike: "shall"
Insert: "may"

5. Page 1, line 15.
Following: "prescribing"
Insert: "or refilling"

6. Page 1, line 16.

Following: "disease."
Insert: "After consulting the prescription drug registry, a treating physician may decline to prescribe or refill a Schedule II or Schedule III drug if, in the treating physician's judgment, the drug should not be prescribed or refilled."

7. Page 1, line 17.
Strike: "health care provider shall"
Insert: "treating physician may"

8. Page 1, line 20 through line 21.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

9. Page 1, line 22.
Strike: "record" through "file"
Insert: "treating physician shall note in the patient's medical file each query conducted"

10. Page 1, line 23.
Strike: "health care provider"
Insert: "treating physician"

11. Page 1, line 25.
Following: "to"
Insert: "or after"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/22/2013
SB 366, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/22/2013
SB 361, do pass. Report adopted.
SJR 18, introduced joint resolution, be amended as follows:

1. Title, page 1, line 7.
Strike: "ANNUALLY PRODUCE A BALANCED BUDGET,"
Strike: "ANNUAL"
Following: "LEVELS"
Strike: ","

2. Page 1, line 10 through line 29.
Strike: "WHEREAS," on page 1, line 10 through "and" on line 29

3. Page 2, line 4 through line 7.
Strike: "WHEREAS," on page 2, line 4 through "vision; and" on line 7

4. Page 2, line 14.
Strike: "annually produce a balanced budget,"
Strike: "annual"
Following: "levels"
Strike: ","

And, as amended, do pass. Report adopted.

Senator Wittich moved the committee rise, report progress, and beg leave to sit again. Motion carried.

Senate recessed at 10:00 a.m.

Senate reconvened at 10:17 a.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Moore moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 343 - Senator Arntzen moved **SB 343** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 42

Nays: Fielder, Ripley, Sales, Tropila, Vincent, Wanzenried, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 312 - Senator Sonju moved **SB 312** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 127 - Senator Buttrey moved **SB 127** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 275 - Senator Buttrey moved **SB 275** do pass.

SB 275 - Senator Buttrey moved **SB 275**, second reading copy, be amended as follows:

1. Page 4, line 27 through line 29.
Strike: subsection (c) in its entirety

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones,

Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 275 - Senator Buttrey moved **SB 275**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 314 - Senator Wanzenried moved **SB 314** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Boulanger, Ripley, Sales, Taylor, Vincent, Webb.
Total 6

Absent or not voting: None.

Total 0

Excused: Jent.
Total 1

SB 319 - Senator Sonju moved **SB 319** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Arthun.
Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 267 - Senator Thomas moved consideration of **SB 267** be passed for the day. Without objection, so ordered.

SB 306 - Senator Olson moved **SB 306** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 44

Nays: Brenden, Jackson, Rosendale, Webb, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 321 - Senator Thomas moved **SB 321** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

SB 331 - Senator Murphy moved **SB 331** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Brenden, Olson, Priest, Ripley, Rosendale, Sonju, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Hamlett.

Total 1

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Larsen rose on a point of personal privilege. The final committee vote on SB 321 was 7-5 refuting the statement that there was no controversy in the committee hearing.

MOTIONS

Senator Wanzenried moved that **SB 205** be taken from State Administration and brought before the Committee of the Whole on Tuesday, February 26, 2013, the forty-third legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jergeson, Jones, Larsen, Malek, Moore, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 33

Nays: Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Jackson, Kaufmann, Keane, Lewis, Murphy, Ripley, Rosendale, Sales, Webb, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Walker moved to change his vote on **SB 235** from No to Yes. Without objection, so ordered.

Senator Priest moved to change his vote on **SB 331** from Yes to No. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/22/2013
SB 370, introduced bill, be amended as follows:

1. Page 1, line 24.
Strike: "the budget director fails to complete the preparation of"
Following: "note"
Insert: "is not available in the originating house"

2. Page 1, line 25.
Strike: "the legislature"
Insert: "that house but no action may be taken in the receiving house until the fiscal note has been prepared"

And, as amended, do pass. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the week's pages for their service.

ANNOUNCEMENTS

Senator Essmann outlined the Senate schedule for Monday, February 25, 2013: Class 1 committees meet at 8:00 a.m.; Class 2 committees meet at 10:00 a.m.; Class 3 committees will not meet; Floor session at 1:00 p.m. Additional schedules will be announced on Monday.

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, February 25, 2013, the forty-second legislative day. Motion carried.

Senate adjourned at 11:23 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 25, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/25/2013

Correctly printed: **SB 127**, **SB 182**, **SB 205**, **SB 207**, **SB 223**, **SB 242**, **SB 257**, **SB 258**, **SB 259**, **SB 264**, **SB 265**, **SB 266**, **SB 292**, **SB 296**, **SB 298**, **SB 306**, **SB 312**, **SB 314**, **SB 316**, **SB 319**, **SB 321**, **SB 331**, **SB 335**, **SB 337**, **SB 343**, **SB 345**, **SB 347**, **SB 361**, **SB 366**, **SJR 17**.
Correctly engrossed: **SB 275**, **SB 299**, **SB 346**, **SB 350**, **SB 364**, **SB 370**, **SJR 19**.
Transmitted to the House: **SB 34**, **SB 160**, **SB 175**, **SB 176**, **SB 181**, **SB 185**, **SB 199**, **SB 224**, **SB 235**, **SB 250**, **SB 270**.
Signed by the President at 4:54 p.m., February 25, 2013: **SB 47**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 2/25/2013
SB 299, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: line 18
Insert: "(5) This section does not apply to employees, agents, or representatives of cooperatives organized under 35-18-101 or public utilities acting in the course and scope of their employment."

And, as amended, do pass. Report adopted.

SJR 19, introduced joint resolution, be amended as follows:

1. Page 1, line 9 through line 19.
Strike: "WHEREAS," on line 9 through "beings; and" on line 19

2. Page 2, line 3.
Following: "committees"
Insert: "; and
WHEREAS, limits on campaign expenditures and contributions apply to corporations, including nonprofit corporations, as well as unions and associations"

3. Page 2, line 12.
Following: "corporations"

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Insert: ", including nonprofit corporations, unions, and associations,"

4. Page 2, line 13.
Following: "corporations"
Insert: "and unions"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 2/22/2013
SB 346, introduced bill, be amended as follows:

1. Page 8, line 26.
Following: "doctrine."
Insert: "Nothing in this section is intended to limit the ability of a senior water right holder to enforce a water right or limit that enforcement to a specific area. Creation of a stream depletion zone is not a prerequisite to an enforcement action."

And, as amended, do pass. Report adopted.

SB 364, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "SECTIONS"
Insert: "75-10-204 AND"
Strike: "AND 75-10-405"

2. Page 1.
Following: line 10
Insert: "Section 1. Section 75-10-204, MCA, is amended to read:

"75-10-204. Powers and duties of department. The department shall, subject to the provisions of 75-10-107, adopt rules governing solid waste management systems that must include but are not limited to:

(1) requirements for the plan of operation and maintenance that must be submitted with an application under this part;

(2) the classification of disposal sites according to the physical capabilities of the site to contain the type of solid waste to be disposed of;

(3) the procedures to be followed in the disposal, treatment, or transport of solid wastes;

(4) the suitability of the site from a public health standpoint when hydrology, geology, and climatology are considered;

(5) requirements relating to ground water monitoring, including but not limited to:

(a) information that owners and operators of municipal solid waste landfills and other disposal sites specified in 75-10-207 are required to submit to the department to enable the department to prepare the priority compliance list authorized by 75-10-207(3);

(b) the content of plans for the design, construction, operation, and maintenance of monitoring wells and monitoring systems; and

(c) recordkeeping and reporting;

(6) the imposition of a quarterly fee based on the justifiable direct and indirect costs to the state of administering Title 75, chapter 10, parts 1 and 2, for solid waste generated outside

Montana and disposed of or incinerated within Montana;

(7) requirements to maintain financial assurance payable to the state of Montana with a surety satisfactory to the department in an amount sufficient to provide for waste tire treatment, removal, transportation, and disposal, fire suppression, or other measures necessary to protect the environment and the health, safety, and welfare of the public;

(8) requirements for coal combustion residues at electrical generation facilities in order to provide for state implementation of federal legislation or federal environmental protection agency regulations that contain legislative or regulatory requirements pertaining to coal combustion residues and that become effective on or after [the effective date of this act]; and

~~(8)~~(9) any other factors relating to the sanitary disposal or management of solid wastes.""

Renumber: subsequent sections

3. Page 1, line 18.
Strike: "75-10-405(1)(o)"
Insert: "75-10-204(8)"

4. Page 1, line 25 through page 3, line 14.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

TAXATION (Tutvedt, Chair): 2/25/2013
SB 307, do pass. Report adopted.
SB 350, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: line 25
Insert: "(ii) In the event that the committee has not caused a revenue estimating resolution to be introduced in accordance with subsection (2)(a)(i), a senate joint resolution must be introduced that provides an estimate of the amount of revenue projected to be available for legislative appropriation."
Renumber: subsequent subsection

2. Page 2, line 24.
Strike: subsection (iii) in its entirety
Insert: "(iii) to compare the adopted revenue estimate and assumptions to current revenue estimates under 17-7-140(4)."

3. Page 2, line 25 through line 26.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/23/2013

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HB 205, introduced by Kerns
HB 274, introduced by Greef
HB 302, introduced by Kerns
HB 304, introduced by Kerns
HB 368, introduced by Clark
HB 414, introduced by Hoven
HB 422, introduced by Blyton
HB 8, introduced by Cook, requires adoption by three-fourths of each house.

MOTIONS

SB 336 and **SJR 13** - Senator T. Brown moved consideration of **SB336 and SJR 13** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 54 - Senator Facey moved **SB 54** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Augare, T. Brown, Buttrey, Jergeson, Kaufmann, Malek, Thomas, Tropila, Tutvedt, Van Dyk, Walker.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator T. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 267 - Senator Thomas moved **SB 267** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Stewart-Peregoy, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 327 - Senator Olson moved **SB 327** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 247 - Senator Phillips moved **SB 247** do pass. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy, Wittich.
Total 24

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Keane, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 247 - Senator Wittich moved **SB 247** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 153 - Senator Thomas moved consideration of **SB 153** be placed below SB 262 on the second reading board. Without objection, so ordered.

SB 325 - Senator Olson moved **SB 325** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 - Senator Walker moved **SB 269** do pass.

SB 269 - Senator L. Jones moved **SB 269**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Strike: "GENERALLY REVISING BUDGET LAWS;"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 35

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 - Senator Walker moved **SB 269**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 328 - Senator Augare moved **SB 328** do pass.

SB 328 - Senator Augare moved **SB 328**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Following: "EXEMPTING"
Insert: "RESIDENT"

2. Page 4, line 5.
Following: "persons"
Insert: "who are considered residents under 87-2-102(1)"

3. Page 4, line 8 through line 9.
Strike: "or a member of the armed forces of a foreign government attached to the regular

armed forces of the United States"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 328 - Senator Augare moved **SB 328**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Fielder, Jent, Kaufmann, Priest, Tropila, Van Dyk.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 210 - Senator Jackson moved **SB 210** do pass. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Hamlett, Jackson, Jones, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich.
Total 21

Nays: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Ripley, Sesso,

Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 210 - Senator Wittich moved **SB 210** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326 - Senator Malek moved **SB 326** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 237 - Senator Brenden moved **SB 237** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 33

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 352 - Senator Thomas moved **SB 352** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Taylor, Thomas, Vuckovich, Webb, Windy Boy.
Total 32

Nays: Blewett, D. Brown, Fielder, Jackson, Jent, Moore, Priest, Sales, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 - Senator Brenden moved **SB 262** do pass.

SB 262 - Senator Brenden moved **SB 262**, second reading copy, be amended as follows:

1. Page 1, line 12.
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

2. Page 1.
Following: line 23

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Insert: "(3) Nothing in this section limits an employee's right to report, anonymously or otherwise, an alleged violation of law by an employer."

3. Page 1, line 26.
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

4. Page 2.
Following: line 1
Insert: "(3) Nothing in this section limits an employee's right to report, anonymously or otherwise, an alleged violation of law by an employer."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Augare, Blewett, Driscoll, Kaufmann, Keane, Larsen, Malek, Stewart-Peregoy, Tropila, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Moore disclosed that this bill, if passed, will affect his business regulated by the Department of Environmental Quality.

SB 262 - Senator Brenden moved **SB 262**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 153 - Senator Thomas moved **SB 153** do pass.

SB 153 - Senator Thomas moved **SB 153**, second reading copy, be amended as follows:

1. Page 2, line 15.
Strike: "MUSSELSHELL,"

2. Page 2, line 18.
Following: "~~Musselshell,~~"
Insert: "Musselshell,"

Amendment **not** adopted as follows:

Yeas: Boulanger, Brenden, Fielder, Moore, Peterson, Priest, Ripley, Rosendale, Sales, Stewart-Peregoy, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 17

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Sesso, Sonju, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 153 - Thereupon, the Senate reverted to the original motion of Senator Thomas which passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Murphy, Olson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk.
Total 26

Nays: Arntzen, Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Lewis, Malek, Moore, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 24

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sonju assumed the chair.

SB 336 - Senator Hamlett moved **SB 336** do pass.

SB 336 - Senator T. Brown moved **SB 336**, second reading copy, be amended as follows:

1. Page 2, line 27 through line 30.
Strike: subsection (11) in its entirety
Insert: "(11) "Developed spring" means any point where ground water emerges naturally, that has subsequently been physically altered, and from which ground water flows under natural pressures or is artificially withdrawn."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 336 - Senator Hamlett moved **SB 336**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 13 - Senator T. Brown moved **SJR 13** do pass.

SJR 13 - Senator F. Moore moved **SJR 13**, second reading copy, be amended as follows:

1. Page 2, line 3.
Strike: "and"

2. Page 2, line 4.
Strike: "."
Insert: "; and"

3. Page 2.
Following: line 4
Insert: "(10) academic achievement."

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Facey, Fielder, Jackson, Jent, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 13 - Thereupon, the Senate reverted to the original motion of Senator T. Brown which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso,

Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 41

Nays: Boulanger, D. Brown, Moore, Priest, Sales, Vincent, Walker, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair T. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann, Phillips, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 239 passed as follows:

Yeas: Arntzen, Arthun, Augare, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Rosendale, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Webb, Windy Boy.
Total 29

Nays: Barrett Debby, Barrett Dick, Blewett, D. Brown, Caferro, Facey, Fielder, Kaufmann, Moore, Phillips, Priest, Ripley, Sales, Sesso, Stewart-Peregoy, Van Dyk, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 182 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Vincent.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 257 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Boulanger, Fielder, Priest, Rosendale, Sales, Sonju, Taylor, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 264 passed as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 29

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Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Larsen, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 207 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 259 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 316 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 223 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Blewett, Van Dyk.

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Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 296 passed as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Hamlett, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich.
Total 28

Nays: Arthun, Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Jackson, Jent, Kaufmann, Larsen, Malek, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 258 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Priest, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 266 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: Stewart-Peregoy, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 242 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Boulanger, D. Brown, Murphy, Ripley, Sales, Tutvedt, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 343 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 42

Nays: Augare, Blewett, Ripley, Sales, Stewart-Peregoy, Tropila, Wanzenried, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

SB 312 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 127 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 314 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 44

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Nays: Boulanger, Ripley, Sales, Taylor, Vincent, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: Arthun, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 306 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 44

Nays: Boulanger, Brenden, Jackson, Rosendale, Thomas, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 321 failed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wittich.
Total 24

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 331 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 40

Nays: Augare, Boulanger, Brenden, Priest, Ripley, Rosendale, Sonju, Walker, Webb, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 2/25/2013
SB 283, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "SECTION"
Insert: "SECTIONS 20-6-105 AND"

2. Page 1, line 8.
Insert: "Section 1. Section 20-6-105, MCA, is amended to read:

"20-6-105. Transfer of territory from one district to another -- hearing on effects of proposed transfer -- burden of proof -- standard of proof -- appeal to district court. (1) (a) Except as provided in 20-6-214, 20-6-215, 20-6-308, 20-6-322, and ~~subsections~~ subsection (1)(b) ~~and (1)(c)~~ of this section, a petition to transfer territory from one school district to another,

including petitions to expand an elementary district into a K-12 district under 20-6-326, may be presented to the county superintendent if:

(i) the petition is signed by 60% of the registered electors qualified to vote at general elections in the territory proposed for transfer;

(ii) the territory to be transferred is contiguous to or coterminous with the district to which it is to be attached, includes taxable property, and has school-age children ~~living~~ residing in it;

(iii) the territory to be transferred is not located within 3 miles, over the shortest practicable route, of an operating school in the district from which it is to be transferred; and

(iv) the board of trustees of the school district that would receive the territory has approved the proposed transfer by a resolution adopted by a majority of the members of the board of trustees at a meeting for which proper notice was given.

(b) A petition to transfer territory to or from a K-12 district may not be presented to a county superintendent unless both school boards and the county superintendents have agreed in writing.

~~(c) Registered voters within the exterior boundaries of school districts that consolidated during the years 2004 to 2008 may petition for changes in their boundaries under the law in effect on July 1, 2005.~~

(2) Once a petition to transfer territory has been filed, an additional petition to transfer that territory may not be filed for 4 years unless the county superintendents have agreed in writing.

(3) The petition for a transfer of territory must be delivered to the county superintendent and must:

(a) provide a legal description of the territory that is requested to be transferred and a description of the district to which the territory is to be transferred;

(b) state the reasons why the transfer is requested; and

(c) state the number of school-age children residing in the territory.

(4) If both the trustees of the receiving and transferring school districts have approved the proposed territory transfer in writing, the county superintendent shall grant the transfer.

(5) For any petition that meets the criteria specified in subsection (1) and contains the information required by subsection (3) but that has not been approved in writing by the board of trustees of the school district that would transfer the territory, the county superintendent shall:

(a) not more than 40 days after receipt of the petition, set a place, date, and time for a hearing to consider the petition; and

(b) give notice of the place, date, and time of the hearing. The notice must be posted in the districts affected by the petition for the transfer of territory in the manner prescribed in this title for notices for school elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered to the board of trustees of the school district from which the territory is to be transferred.

(6) The county superintendent shall conduct a hearing as scheduled, and any resident, taxpayer, or representative of the receiving or transferring district must, upon request, be heard. At the hearing, the petitioners have the initial burden of presenting evidence on the proposed transfer's effect on:

(a) the educational opportunity for the students in the receiving and transferring districts, including but not limited to:

(i) class size;

(ii) ability to maintain demographic diversity;

(iii) local control;

(iv) parental involvement; and

(v) the capability of the receiving district to provide educational services;

(b) student transportation, including but not limited to:

(i) safety;

(ii) cost; and

(iii) travel time of students;

(c) the economic viability of the proposed new districts, including but not limited to:

(i) the existence of a significant burden on the taxpayers of the district from which the territory will be transferred;

(ii) the significance of any loss in state funding for the students in both the receiving and transferring districts;

(iii) the viability of the future bonding capacity of the receiving and transferring districts, including but not limited to the ability of the receiving district and the transferring district to meet minimum bonding requirements;

(iv) the ability of the receiving district and the transferring district to maintain sufficient reserves; and

(v) the cumulative effect of other transfers of territory out of the district in the previous 8 years on the taxable value of the district from which the territory is to be transferred. In cases where the cumulative effect of other transfers of territory out of the district in the previous 8 years is equal to or greater than 25% of the district's taxable value, the following additional factors must be considered and weighed in the decision:

(A) the district's rate of passage of discretional levies placed before the voters over the previous 8 years;

(B) the district's reduction or elimination of instructional staff or programs over the previous 8 years; and

(C) any increase in district taxes over the previous 8 years and the likely increase in district taxes if the transfer is granted.

(7) After receiving evidence from both the proponents and opponents of the proposed territory transfer on the effects described in subsection (6), the county superintendent shall, within 30 days after the hearing, issue findings of fact, conclusions of law, and an order.

(8) If, based on a preponderance of the evidence, the county superintendent determines that the evidence on the effects described in subsection (6) supports a conclusion that a transfer of the territory is in the best and collective interest of students in the receiving and transferring districts and does not negatively impact the ability of the districts to serve those students, the county superintendent shall grant the transfer. If the county superintendent determines that, based on a preponderance of the evidence presented at the hearing, a transfer of the territory is not in the best and collective interest of students in the receiving and transferring districts and will negatively impact the ability of the districts to serve those students, the county superintendent shall deny the territory transfer.

(9) The decision of the county superintendent is final 30 days after the date of the decision unless it is appealed to the district court by a resident, taxpayer, or representative of either district affected by the petitioned territory transfer. The county superintendent's decision must be upheld unless the court finds that the county superintendent's decision constituted an abuse of discretion under this section. <u>The effective date of the decision is July 1 following the issuance of the decision by the county superintendent.</u>

(10) Whenever a petition to transfer territory from one district to another district creates a joint district or affects the boundary of an existing joint district, the petition to transfer territory must be delivered to the county superintendent of the county in which the territory proposed to be transferred is located. The county superintendent shall notify any other county

superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly. If the number of county superintendents involved is an even number, the county superintendents shall jointly appoint an additional county superintendent from an unaffected county to join them in conducting the hearing required in subsection (6) and in issuing the decision required in subsection (8). The decision issued under subsection (8) must be made by a majority of the county superintendents.

(11) A petition seeking to transfer territory out of or into a K-12 district must propose the transfer of territory for both elementary and high school purposes. In the case of a proposed transfer out of or into a K-12 district, a petition that fails to propose the transfer of territory for both elementary and high school purposes is invalid for the purposes of this section.

(12) If bonded indebtedness has been approved by the voters of an existing school district prior to the transfer of territory, then the future indebtedness of those bonds when those bonds are sold must be paid by levies on the territory of the district as it existed at the time the bonded indebtedness was approved by the voters.""

Renumber: subsequent sections

3. Page 1, line 11.
Strike: "may"
Insert: "that is not part of a unified school system or governed by a joint board with a high school district may seek to"

4. Page 1, line 12.
Strike: "only if"
Insert: "pursuant to the process set forth in 20-6-105 only if the elementary district's ANB, calculated as provided in 20-9-311, is at least 1,000."

5. Page 1, line 19 through page 2, line 3.
Strike: "at" on line 19 through "July 1." on page 2, line 3.
Insert: "(2)"
Renumber: subsequent sections

6. Page 2, line 13 through line 14.
Strike: "prior" on line 13 through "sold" on line 14

7. Page 2, line 15.
Strike: "original"
Following: "territory"
Insert: "of the district as it existed at the time the bonded indebtedness was approved by the voters"

And, as amended, do pass. Report adopted.

SB 342, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "DESCRIPTION;"
Insert: "PROVIDING RULEMAKING AUTHORITY;"

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2. Page 1, line 22.
Following: "sign language"
Insert: "and to assist in the preservation and curricular goals of Indian education for all pursuant to Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5. Program elements may include but are not limited to:
(a) language classes;
(b) audio and visual recordings;
(c) language immersion camps;
(d) creation of dictionaries;
(e) storytelling; and
(f) publication of literature"

3. Page 1, line 23.
Following: line 22
Insert: " (2) The state-tribal economic development commission established in 90-1-131 shall administer the program and, in collaboration with the Montana historical society, the state director of Indian affairs, and each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe, establish rules and guidelines for the program."
Renumber: subsequent subsections

4. Page 1, line 23.
Strike: "office of public instruction"
Insert: "state-tribal economic development commission"

5. Page 1, lines 23 and 24.
Following: "purpose" on line 23
Strike: "to" on line 23 through "reservations" on line 24
Insert: "equally to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe"

6. Page 1, line 25.
Strike: "councils"
Insert: "governments"

7. Page 1. line 28.
Following: line 27
Insert: "(a) the governor's office of Indian affairs;"
Renumber: subsequent subsections

8. Page 2, line 7.
Strike: "councils"
Insert: "governments"

9. Page 2, line 8.
Strike: "(3)"
Insert: "(4)"

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10. Page 2, line 13.
Strike: "All"
Insert: "Any"
Following: "tribe"
Insert: " but may be negotiated between the tribe and other partnering entities"

And, as amended, do pass. Report adopted.

SB 356, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.
Strike: "A PARENT" on line 4 through "PROCESS" on line 6
Insert: "CERTAIN SCHOOL ASSIGNMENT DECISIONS ARE SUBJECT TO THE DISTRICT'S GRIEVANCE POLICY"

2. Page 1, line 30 through page 2, line 4.
Strike: subsection (6) in its entirety
Insert: "(6) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding the assignment is final."

And, as amended, do pass. Report adopted.

SR 9, introduced resolution, be amended as follows:

1. Title, page 1, line 4.
Strike: "SUPPORTING"
Insert: "ACKNOWLEDGING"

2. Page 1, line 27.
Strike: "provides its support behind"
Insert: "acknowledges"

3. Page 1, line 29 through line 30.
Strike: "supports" on line 29 through "improve" on line 30
Insert: "is committed to improved"

And, as amended, do pass. Report adopted.

FISH AND GAME (Brenden, Chair): 2/25/2013
SB 341, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "TRANSPLANTATION"
Insert: ", INTRODUCTION,"

2. Page 1, line 11.

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Following: "transplantation"
Insert: ", introduction,"

3. Page 1, line 13.
Following: "transplantation"
Insert: ", introduction,"

4. Page 1, line 14.
Following: "transplantation"
Insert: ", introduction,"

5. Page 1, line 16.
Following: "transplanted"
Insert: ", introduced,"
Strike: "that may be detrimental to the success of the project"

6. Page 1, line 21.
Following: "transplantation"
Insert: ", introduction,"

7. Page 1, line 23.
Following: "transplanted"
Insert: ", introduced,"

8. Page 1, line 25.
Following: "transplant"
Insert: ", introduce, or augment"

9. Page 1, line 28.
Following: "be"
Insert: "predominantly"

10. Page 1, line 28 through line 29.
Following: "managed lands"
Strike: ", privately owned" on line 28 through "privately owned" on line 29

11. Page 1, line 30.
Following: "transplant"
Insert: ", introduce,"

12. Page 2, line 2.
Following: "transplanted"
Insert: ", introduced,"

13. Page 2, line 4 through line 5.
Following: "transplantation" on line 4
Insert: ", introduction,"
Strike: "significantly" on line 4 through "grazing" on line 5

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Insert: "restrict or limit the use or value of private property"

14. Page 2, line 7.
Following: "transplantation"
Insert: ", introduction,"

15. Page 2, line 8.
Following: "transplanted"
Insert: ", introduced,"

16. Page 2, line 9.
Following: "transplanted"
Insert: ", introduced,"

17. Page 2, line 11.
Strike: ";"
Insert: "."

18. Page 2, line 12 through line 13.
Strike: subsection (iii)

19. Page 2, line 14.
Following: "transplantation"
Insert: ", introduction,"
Strike: "wildlife"
Insert: "game animals, as defined in 87-2-101, large predators, as defined in 87-1-217, or threatened or endangered species"

20. Page 2, line 14 through line 15.
Strike: "prepare" on line 14 through "including a" on line 15
Insert: "conduct a proactive"

21. Page 2, line 15.
Following: "As part of the"
Insert: "proactive"

22. Page 2, line 21.
Following: "transplantation"
Insert: ", introduction,"

23. Page 2, line 23.
Strike: "lands"
Insert: "property"

24. Page 2, line 24.
Strike: "within" through "area"
Insert: "that are expected to be adversely affected"

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25. Page 2, line 25.
Following: "transplantation"
Insert: ", introduction,"

26. Page 2, line 26.
Following: "transplantation"
Insert: ", introduction, or augmentation"

27. Page 3, line 4.
Following: "transplantation"
Insert: ", introduction,"

28. Page 3, line 6.
Following: "transplanted"
Insert: ", introduced,"

29. Page 3, line 9.
Following: "transplantation"
Insert: ", introduction,"

Strike: "a species"
Insert: "game animals, large predators, or threatened or endangered species"

30. Page 3, line 10.
Strike: "specifically identified or"
Insert: "directly"

31. Page 3, line 11.
Strike: "proposed"
Insert: "persons conducting"
Following: "transplantation"
Insert: ", introduction,"
Strike: "project"
Insert: "activities"

32. Page 3, line 14.
Following: "transplantation"
Insert: ", introduction,"

33. Page 3, line 18.
Following: "Transplantation"
Insert: ", introduction,"

34. Page 3, line 27.
Strike: "state"
Insert: "continent"
Strike: "another"

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Insert: "a"

35. Page 5, line 26.
Following: "transplantation"
Insert: ", introduction,"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 2/25/2013
SB 84, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "CREATING A COMMISSION AND"
Insert: "ESTABLISHING"

2. Title, page 1, line 6 through line 7.
Strike: "ACTIVITIES" on line 6 through "ON" on line 7

3. Title, page 1, line 8.
Strike: "PROVIDING FOR"
Insert: "ALLOWING THE"

4. Title, page 1, line 9.
Strike: "INCLUDING"
Insert: "ALLOWING THE VOLUNTARY PARTICIPATION OF"

5. Title, page 1, line 10.
Following: "UNIVERSITY,"
Insert: "AND"
Following: "GOVERNMENT"
Strike: ","
Insert: "PLANS, INCLUDING"

6. Title, page 1, line 15.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

7. Page 1, line 19.
Strike: "7"
Insert: "5"

8. Page 1, line 24.
Strike: "7"
Insert: "5"

9. Page 1, line 28.
Strike: "7"
Insert: "5"

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10. Page 2, line 20 through line 21.
Strike: "**Commission**" on line 20 through "**purpose**" on line 21
Insert: "**State action immunity doctrine**"

11. Page 2, line 21 through line 29.
Strike: "(1) There is" on line 21 through "(5)" on line 29

12. Page 2, line 29 through line 30.
Strike: "commission's" on line 29 through "payments" on line 30
Insert: "patient-centered medical home program in Montana"
Strike: "commission activities" on line 30
Insert: "any standards used by the patient-centered medical home program"

13. Page 3, line 6.
Strike: "7"
Insert: "5"

14. Page 3, line 8 through line 9.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

15. Page 3, line 13.
Following: "(4)"
Insert: "(a)"

16. Page 3, line 17.
Following: line 16
Insert: "(b) The term does not include the provision of services through the medicaid program or the healthy Montana kids program as authorized in Title 53."

17. Page 3, line 23.
Strike: "commission"
Insert: "commissioner"
Strike: "6"
Insert: "4"

18. Page 3, line 25 through line 26.
Strike: "determined" on line 25 through "to" on line 26
Insert: "that"
Strike: "a" on line 26
Insert: "the"
Following: "home" on line 26
Insert: "program"

19. Page 3, line 27.
Following: line 26
Insert: "(5) "Prevention services" means health care services that include primary prevention

services and clinical prevention services."
Renumber: subsequent subsections

20. Page 3, line 27 through line 28.
Following: "provider" on line 27
Strike: ","
Insert: "or"
Following: "health care practice" on line 27
Strike: ", or a federally " on line 27 through "42 U.S.C. 254b" on line 28

21. Page 4, line 4 through page 5, line 1.
Strike: section 4 in its entirety
Renumber: subsequent sections

22. Page 5, line 3.
Following: "**rulemaking.**"
Insert: "(1)"

23. Page 5, line 5.
Strike: "(1)"
Insert: "(a)"
Strike: "7"
Insert: "5"

24. Page 5, line 6 through line 10.
Strike: "(2) approve" on line 6 through "commission." on line 10
Insert: "(b) in consultation with interested parties, qualify patient-centered medical homes that have been accredited by a nationally recognized accrediting organization approved by the commissioner and that meet any other standards established by the commissioner;

(c) oversee, promote, coordinate, and provide guidance concerning the creation and activities of any patient-centered medical homes doing business in Montana in order to ensure that the requirements of [sections 1 through 5] are met;

(d) consult with all interested parties in association with carrying out the activities required under [sections 1 through 5]; and

(e) develop and implement standards as set forth in [section 5] in consultation with interested parties.

(2) For the purposes of this section, interested parties include but are not limited to the department, public health agencies, health plans, government health plans, primary health care providers, and health care consumers. Interested parties must be organized as a stakeholder council with regular meetings, the scheduling of which must be determined by the commissioner."

25. Page 5, line 12 through page 6, line 7.
Strike: section 6 in its entirety
Renumber: subsequent sections

26. Page 6, line 9.
Strike: "commission"

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Insert: "commissioner"

27. Page 6, line 10 through line 11.
Strike: "commissioner" on line 10 through "practices" on line 11
Insert: "stakeholder council of interested parties"

28. Page 6, line 13.
Strike: "commission"
Insert: "commissioner in consultation with stakeholders"

29. Page 6, line 20.
Following: "measures"
Insert: "that include prevention services"

30. Page 6, line 22.
Following: line 21
Insert: "(3) A patient-centered medical home must meet the standards in this section in full or in part by providing proof to the commissioner that it has been accredited by a nationally recognized accrediting organization approved by the commissioner.
(4) The commissioner may, in consultation with stakeholders, set standards that are specific to Montana and may be required in addition to nationally recognized accreditation standards."
Renumber: subsequent subsections

31. Page 6, line 23.
Strike: "commission"
Insert: "commissioner"

32. Page 6, line 24.
Following: "plans"
Insert: "and other payers"

33. Page 6, line 25.
Strike: "commission"
Insert: "commissioner"

34. Page 6, line 27.
Following: "plan"
Insert: "and other payers"
Strike: "its"
Insert: "their"

35. Page 6, line 28.
Strike: "commission"
Insert: "commissioner"

36. Page 6, line 30.
Strike: "commission"

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Insert: "commissioner"

37. Page 7, line 8 through line 16.
Strike: subsection (6) through subsection (7) in their entirety
Insert: "(8) All health care providers who participate in a patient-centered medical home shall, as a condition of participation, commission an independent study on savings generated by the patient-centered medical home program and report to the children, families, health, and human services interim committee during the interim ending in 2016."

38. Page 7, line 17.
Following: line 16
Insert: "NEW SECTION. **Section 6. Participation in patient-centered medical home optional.** The participation of an insurance contract or plan issued under this part in a patient-centered medical home program is not required. If a plan chooses to participate in a patient-centered medical home program, the plan shall comply with the requirements of [sections 1 through 5]."
Renumber: subsequent sections

39. Page 8, line 9.
Strike: "7"
Insert: "5"

40. Page 8, line 23.
Strike: "7"
Insert: "5"

41. Page 9, line 1.
Strike: "Except" through "this"
Insert: "This"

42. Page 9, line 6.
Strike: "and [sections 1 through 7],"

43. Page 9, line 10.
Strike: "and [sections 1 through 7],"

44. Page 9, line 30.
Strike: "7"
Insert: "5"

45. Page 10, line 29.
Strike: "7"
Insert: "5"

46. Page 11, line 9.
Strike: "7"
Insert: "5"

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47. Page 13, line 6 through line 10.
Strike: "authorizing" on line 6 through "commission" on line 10
Insert: "for implementing and administering one or more patient-centered medical home programs. The rules may include but are not limited to provider qualifications, coverage groups, services coverage, measures to ensure the appropriateness and quality of services delivered, payment rates and fees, and utilization measures. In implementing and administering patient-centered medical home programs, the department shall use only health care providers that have been qualified by the commissioner and authorized to use the designation of a patient-centered medical home. The department shall use the standards adopted by the commissioner for patient-centered medical homes under [section 5], except for those standards relating to settling payment rates and fees and any standards that may conflict with federal medicaid requirements"

48. Page 13, line 12.
Following: "**instruction.**"
Insert: "(1)"
Strike: "7"
Insert: "5"

49. Page 13, line 13.
Strike: "7"
Insert: "5"

50. Page 13, line 14.
Following: line 13
Insert: "(2) [Section 6] is intended to be codified as an integral part of Title 2, chapter 18, part 7, and the provisions of Title 2, chapter 18, part 7, apply to [section 6]."

51. Page 13, line 16.
Following: line 15
Insert: "NEW SECTION. **Section 14. Termination.** [This act] terminates December 31, 2017."

And, as amended, do pass. Report adopted.

SB 218, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND"

2. Title, page 1, line 6.
Following: "PROVIDERS"
Strike: "WHO EXERCISE THEIR MEDICAL JUDGMENT IN SELECTING"
Insert: "; REQUIRING HEALTH CARE PROVIDERS TO SELECT"

3. Title, page 1, line 7.
Following: "RATIONALE"
Insert: "; REQUIRING A SURVEY AND REPORT; AND PROVIDING A TERMINATION DATE"

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4. Page 2, line 13.
Strike: "4"
Insert: "5"

5. Page 2, line 16.
Strike: "4"
Insert: "5"

6. Page 2, line 24.
Following: "37-4-409,"
Insert: "an optometrist licensed under Title 37, chapter 10, a podiatrist licensed under Title 37, chapter 6,"

7. Page 3, line 6.
Following: line 5
Insert: "(3) A health care provider who fails to select a medically acceptable course of treatment and include in the medical record the health care provider's documented rationale may be found negligent."

8. Page 3, line 6.
Insert: "NEW SECTION. **Section 4. Survey to track effectiveness -- report.** (1) The Montana medical legal panel shall develop a survey in order to determine whether [sections 1 through 5] are achieving the desired effects of reducing the practice of defensive medicine by physicians and to quantify the savings to medicaid, the healthy Montana kids plan, medicare, and private insurers in Montana and shall submit the survey to the board of medical examiners for its approval.

(2) Once the survey is approved by the board of medical examiners, the Montana medical legal panel shall submit the survey on an annual basis to all physicians actively practicing medicine in the state of Montana.

(3) The results of the survey are a public record and must be provided to the children, families, health, and human services interim committee during each interim ending in 2016."
Renumber: subsequent sections

9. Page 3, line 7.
Following: "through"
Strike: "4"
Insert: "5"

10. Page 3, line 10.
Following: "through"
Strike: "4"
Insert: "5"

11. Page 3, line 11.
Strike: "4"
Insert: "5"

12. Page 3, line 15.

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Insert: "NEW SECTION. **Section 8. Termination.** [This act] terminates December 31, 2017."

And, as amended, do pass. Report adopted.

SB 272, introduced bill, be amended as follows:

1. Page 7, line 26.
Following: line 25
Insert: "(6) If the Indian child's tribe accepts jurisdiction, the state court shall enter an order relieving the office of state public defender and any public defender assigned pursuant to 41-3-425 and 47-1-104 from further representation."
Renumber: subsequent subsections

2. Page 8, line 10.
Strike: "41-5-1411"
Insert: "41-3-112"

And, as amended, do pass. Report adopted.

SB 297, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "PREFERRED"
Following: "DATE" on line 5
Strike: "AND" on line 5 through "DATE" on line 6

2. Page 1, line 10.
Strike: "**preferred**"

3. Page 1, line 11.
Strike: "preferred"
Strike: "pursuant to this part"
Insert: "with a person as defined in 33-1-202"

4. Page 1, line 12.
Strike: "preferred"

5. Page 1, line 15.
Following: "33-1-206;"
Insert: "or"

6. Page 1, line 16 through line 17.
Strike: "; or" on line 16 through "33-22-140" on line 17

7. Page 1, line 19.
Strike: "preferred"

8. Page 1, line 21.
Following: "**instruction.**"
Insert: "(1)"

9. Page 1, line 22.
Following: "part of Title 33, chapter"
Strike: "22, part 17"
Insert: "1"
Following: "provisions of Title 33, chapter"
Strike: "22, part 17"
Insert: "1"

10. Page 1, line 24.
Following: line 23
Insert: "(2) [Section 1] is intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [section 1]."

11. Page 2, line 1 through line 2.
Strike: section 5 in its entirety

And, as amended, do pass. Report adopted.

SB 351, do pass. Report adopted.
SB 372, do pass. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 2/25/2013
SB 241, do pass. Report adopted.
SB 353, introduced bill, be amended as follows:

1. Page 3, line 15.
Strike: "or the teachers' retirement board"

2. Page 3, line 16.
Following: "this act]"
Insert: "or a member of the teachers' retirement board appointed prior to [the effective date of this act]"

3. Page 3, line 29.
Strike: "or the teachers' retirement board"

And, as amended, do pass. Report adopted.

MOTIONS

Senator Brenden moved that **SB 340** be taken from Education and Cultural Resources and brought before the Committee of the Whole on Tuesday, February 26, 2013, the forty-third legislative day. Motion carried as follows:

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Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the coming week:

Shawnee Christiansen, Townsend
Tanner Jergeson, Helena
Mackenzie Keiper, Missoula
Bailee Lapke, Simms
Elizabeth Stears, Billings
Peter Venman, Kalispell

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 9:00 a.m., Tuesday, February 26, 2013, the forty-third legislative day. Motion carried.

Senate adjourned at 4:37 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

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SENATE JOURNAL
63RD LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 26, 2013 — State Capitol

Senate convened at 9:01 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/26/2013

Correctly printed: **SB 153**, **SB 237**, **SB 241**, **SB 267**, **SB 307**, **SB 325**, **SB 326**, **SB 327**, **SB 340**, **SB 351**, **SB 352**, **SB 372**, **SJR 13**.
Correctly engrossed: **SB 84**, **SB 218**, **SB 262**, **SB 269**, **SB 272**, **SB 283**, **SB 297**, **SB 328**, **SB 336**, **SB 341**, **SB 342**, **SB 353**, **SB 356**, **SR 9**.
Transmitted to the House: **SB 127**, **SB 182**, **SB 207**, **SB 223**, **SB 239**, **SB 242**, **SB 257**, **SB 258**, **SB 259**, **SB 264**, **SB 266**, **SB 292**, **SB 296**, **SB 306**, **SB 312**, **SB 314**, **SB 316**, **SB 319**, **SB 331**, **SB 343**.
Signed by the Speaker at 8:55 a.m., February 26, 2013: **SB 47**.
Delivered to the Governor for approval at 1:00 p.m., February 26, 2013: **SB 47**.

Senate briefly recessed at 9:03 a.m. for Republican and Democrat caucuses. Senate reconvened at 9:23 a.m.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/25/2013

HB 240, introduced by C. Smith
HB 314, introduced by Kary
HB 369, introduced by Fitzpatrick

MOTIONS

Senator Wittich moved consideration of **SB 19** be passed for the day and that **SB 19** be placed on second reading the next legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 47

Nays: Tutvedt, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Larsen.
Total 1

Senator Hamlett moved that **SB 334** be taken from Agriculture, Livestock and Irrigation and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Keane, Larsen, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 24

Nays: Arntzen, Arthun, T. Brown, Buttrey, Driscoll, Facey, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Walker, Webb, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hamlett moved that **SB 354** be taken from Natural Resources and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Keane, Larsen, Olson, Peterson, Ripley, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Wanzenried, Windy Boy.
Total 24

Nays: Arntzen, Arthun, Boulanger, T. Brown, Buttrey, Driscoll, Facey, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Phillips, Priest, Rosendale, Sales, Sonju, Taylor, Tropila, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.

Total 0

Senator Windy Boy moved that **SB 244** be taken from Business, Labor, and Economic Affairs and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Fielder, Hamlett, Keane, Larsen, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Wanzenried, Windy Boy.
Total 15

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 35

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Phillips moved to reconsider action on **SB 247** and that **SB 247** be placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Fielder moved that **SB 359** be taken from Education and Cultural Resources and brought before the Committee of the Whole this legislative day. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, D. Brown, Fielder, Hamlett, Jackson, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent,

Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hamlett moved that **SB 186** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Nays: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

HB 8, introduced by Cook, by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning, referred to Finance and Claims.
HB 12, introduced by Pease-Lopez, by request of the Children, Families, Health, and Human Services Interim Committee, referred to Public Health, Welfare and Safety.
HB 16, introduced by Hill, by request of the Law and Justice Interim Committee, referred to Judiciary.
HB 24, introduced by Ankney, by request of the Environmental Quality Council, referred to Natural Resources.
HB 37, introduced by McChesney, by request of the Department of Natural Resources and Conservation, referred to Natural Resources.
HB 66, introduced by Hoven, by request of the Department of Revenue, referred to Taxation.

HB 71, introduced by MacDonald, by request of the Law and Justice Interim Committee, referred to Judiciary.
HB 89, introduced by Lynch, by request of the Department of Revenue, referred to Taxation.
HB 95, introduced by Wilmer, by request of the Public Employees' Retirement Board, referred to State Administration.
HB 100, introduced by Ehli, by request of the Select Committee on Efficiency in Government, referred to Public Health, Welfare and Safety.
HB 104, introduced by Regier, referred to Judiciary.
HB 105, introduced by Steenberg, by request of the Public Employees' Retirement Board, referred to State Administration.
HB 106, introduced by Connell, by request of the Department of Natural Resources and Conservation, referred to Natural Resources.
HB 128, introduced by Hollenbaugh, by request of the Department of Natural Resources and Conservation, referred to Natural Resources.
HB 146, introduced by Hansen, referred to Local Government.
HB 147, introduced by Redfield, Shaw, Welborn, White, referred to Fish and Game.
HB 157, introduced by Connell, referred to Highways and Transportation.
HB 158, introduced by Kary, C. Smith, referred to State Administration.
HB 163, introduced by Flynn, Boulanger, Edmunds, Redfield, referred to Fish and Game.
HB 170, introduced by Galt, Blasdel, Clark, Doane, Flynn, Hertz, Kary, Miller, Randall, Redfield, C. Smith, Zolnikov, referred to Fish and Game.
HB 179, introduced by Randall, Hagan, Kary, Welborn, referred to Fish and Game.
HB 181, introduced by Ballance, Fielder, Greef, D. Jones, Lewis, Thomas, referred to Education and Cultural Resources.
HB 184, introduced by Fiscus, referred to Business, Labor, and Economic Affairs.
HB 187, introduced by Flynn, Boulanger, Harris, referred to Business, Labor, and Economic Affairs.
HB 189, introduced by Lenz, Hollandsworth, MacDonald, Osmundson, Pease-Lopez, Randall, Salomon, referred to Agriculture, Livestock and Irrigation.
HB 195, introduced by Ingraham, referred to Taxation.
HB 200, introduced by Fitzpatrick, referred to State Administration.
HB 203, introduced by Clark, referred to Finance and Claims.
HB 205, introduced by Kerns, Arntzen, Ballance, G. Bennett, Blyton, Boulanger, D. Brown, Edmunds, Greef, Harris, Ingraham, Jackson, Kary, Miller, Neill, O'Neil, Randall, Salomon, Shaw, C. Smith, Taylor, Thomas, Walker, Warburton, Webb, Wittich, referred to Judiciary.
HB 206, introduced by Flynn, Murphy, referred to Judiciary.
HB 208, introduced by O'Neil, referred to Judiciary.
HB 210, introduced by McClafferty, Augare, B. Bennett, Boland, Caferro, Calf Boss Ribs, Coffin, Court, Curtis, Driscoll, Dudik, Facey, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Keane, Lieser, Lynch, MacDonald, Malek, McCarthy, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Price, Schreiner, Sesso, B. Smith, Steenberg, Swanson, Whitford, Williams, Wilmer, Woods, Hansen and Salomon, Hansen and Salomon, referred to Finance and Claims.
HB 224, introduced by C. Smith, Berry, Blasdel, Clark, Connell, Cook, Ehli, Greef, Hagan, Hansen, Harris, Howard, Kary, Knudsen, Lang, Lenz, McNiven, D. Moore, Priest, Randall, Sales, Salomon, Schwaderer, Sonju, Vance, Vincent, Wittich, referred to Judiciary.

HB 225, introduced by C. Smith, Berry, Blasdel, Clark, Connell, Cook, Ehli, Greef, Hagan, Hansen, Harris, Howard, Kary, Knudsen, Lang, Lenz, McNiven, D. Moore, Priest, Randall, Sales, Salomon, Schwaderer, Sonju, Vance, Vincent, referred to Judiciary.
HB 232, introduced by Knudsen, G. Bennett, Berry, Blasdel, Buttrey, Hansen, O'Hara, Reichner, C. Smith, Sonju, Tutvedt, Vance, Walker, Welborn, referred to Business, Labor, and Economic Affairs.
HB 233, introduced by Lavin, Arntzen, Dudik, Fitzpatrick, Hollenbaugh, Jent, Larsen, Lieser, McNiven, Noonan, Sesso, Sonju, Tutvedt, referred to Judiciary.
HB 239, introduced by C. Smith, Ballance, G. Bennett, Blasdel, D. Brown, Clark, Doane, Fielder, Fiscus, Fitzpatrick, Galt, Halvorson, Hansen, Hertz, Howard, Ingraham, Jackson, D. Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lenz, McNiven, Miller, O'Hara, Osmundson, Randall, Redfield, Regier, Reichner, Rosendale, Salomon, Taylor, Thomas, Vance, Vincent, Wagoner, Walker, Warburton, Washburn, Webb, White, referred to Public Health, Welfare and Safety.
HB 245, introduced by Edmunds, referred to Local Government.
HB 247, introduced by Lavin, Fitzpatrick, Galt, Glimm, Randall, Regier, Reichner, referred to Fish and Game.
HB 252, introduced by Ingraham, referred to State Administration.
HB 254, introduced by Cook, referred to Judiciary.
HB 255, introduced by Cook, referred to Judiciary.
HB 262, introduced by Hill (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
HB 264, introduced by Ingraham, D. Moore, referred to Business, Labor, and Economic Affairs.
HB 270, introduced by Schwaderer, referred to Highways and Transportation.
HB 274, introduced by Greef, Rosendale, Sonju, referred to Business, Labor, and Economic Affairs.
HB 277, introduced by McChesney, Ankney, Bangerter, B. Bennett, Berry, Blasdel, Boland, Brodehl, Calf Boss Ribs, Cook, Court, Dudik, Eck, Ehli, Flynn, Gursky, Hill, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Lavin, Lenz, Lieser, MacDonald, McClafferty, McNally, Mehlhoff, Miller, Neill, Noonan, O'Hara, Pease-Lopez, Pomnichowski, Price, Regier, Salomon, B. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Wilson, referred to State Administration.
HB 278, introduced by Washburn, Connell, Cook, Galt, Harris, Howard, Randall, Redfield, Shaw, C. Smith, White, referred to Fish and Game.
HB 280, introduced by C. Smith, Arntzen, Ballance, Blasdel, Blyton, Brodehl, Clark, Connell, Doane, Ehli, Fielder, Fiscus, Galt, Hagan, Halvorson, Hansen, Howard, Jackson, D. Jones, L. Jones, Kerns, Knudsen, Lang, Laszloffy, Lenz, McNiven, Miller, Osmundson, Randall, Redfield, Regier, Rosendale, Schwaderer, Taylor, Thomas, Vance, Wagoner, Washburn, Webb, White, referred to Public Health, Welfare and Safety.
HB 281, introduced by C. Smith, Arntzen, Ballance, Blasdel, Blyton, Connell, Doane, Ehli, Fielder, Fiscus, Fitzpatrick, Galt, Hagan, Halvorson, Hansen, Howard, Jackson, L. Jones, Kerns, Knudsen, Lang, Laszloffy, Lenz, Miller, D. Moore, Osmundson, Randall, Redfield, Regier, Rosendale, Schwaderer, Taylor, Vance, Washburn, Webb, White, Zolnikov, referred to Public Health, Welfare and Safety.
HB 283, introduced by Wagoner, Arntzen, Doane, Miller, Regier, C. Smith, Vance, White, referred to State Administration.
HB 287, introduced by Salomon, Vuckovich, referred to Judiciary.

HB 291, introduced by Kerns, referred to Natural Resources.
HB 301, introduced by Halvorson, referred to Education and Cultural Resources.
HB 302, introduced by Kerns, Ballance, G. Bennett, Blasdel, Blyton, Cook, Cuffe, Doane, Edmunds, Fiscus, Flynn, Galt, Glimm, Hagstrom, Halvorson, Hansen, Harris, Jackson, Knudsen, Lang, Lewis, F. Moore, Osmundson, Priest, Randall, Redfield, Regier, Reichner, Salomon, Shaw, C. Smith, Taylor, Thomas, Vance, Wagoner, Warburton, Washburn, Welborn, White, Wittich, referred to Judiciary.
HB 304, introduced by Kerns, Ballance, G. Bennett, Blasdel, Blyton, Cuffe, Doane, Edmunds, Fiscus, Galt, Glimm, Halvorson, Hansen, Harris, Hertz, Ingraham, Jackson, Kary, Knudsen, Lenz, Lewis, Miller, F. Moore, O'Neil, Osmundson, Priest, Randall, Regier, Reichner, Shaw, C. Smith, Taylor, Thomas, Vance, Wagoner, Warburton, Welborn, White, Zolnikov, referred to Education and Cultural Resources.
HB 305, introduced by Lang, Knudsen, Sonju, referred to Business, Labor, and Economic Affairs.
HB 308, introduced by Lang, referred to Business, Labor, and Economic Affairs.
HB 317, introduced by Hunter, B. Bennett, Blasdel, Blyton, Brockie, Coffin, Halvorson, Hansen, Hertz, Hollenbaugh, Knudsen, Laszloffy, MacDonald, McClafferty, McNiven, D. Moore, Price, Salomon, Schreiner, Schwaderer, Vance, Washburn, and Wilmer, referred to Education and Cultural Resources.
HB 318, introduced by Mehlhoff, referred to Education and Cultural Resources.
HB 320, introduced by B. Bennett, Ankney, Augare, Bangerter, Blyton, Boland, Curtis, Driscoll, Eck, Fitzpatrick, Gibson, Hertz, Hunter, Jent, Keane, Larsen, Lieser, Lynch, MacDonald, McChesney, McClafferty, McNally, McNiven, D. Moore, Peppers, Pierson, Pomnichowski, Price, Rosendale, Schreiner, Schwaderer, B. Smith, Steenberg, Swanson, Vuckovich, Walker, Wanzenried, Whitford, Wilmer, Wilson, Woods, referred to Joint Select Committee on Pensions.
HB 321, introduced by Greef, referred to Business, Labor, and Economic Affairs.
HB 323, introduced by Cuffe, referred to Agriculture, Livestock and Irrigation.
HB 325, introduced by Regier, referred to State Administration.
HB 328, introduced by Washburn, referred to Fish and Game.
HB 333, introduced by Price, Hill, Lieser, B. Smith, Steenberg, Washburn, Woods, referred to Public Health, Welfare and Safety.
HB 334, introduced by Eck, referred to Highways and Transportation.
HB 335, introduced by Eck, referred to Judiciary.
HB 337, introduced by Redfield, Flynn, Galt, Randall, Welborn, referred to Agriculture, Livestock and Irrigation.
HB 345, introduced by C. Smith, Blasdel, Fitzpatrick, Knudsen, Vance, Zolnikov, referred to Judiciary.
HB 347, introduced by Fitzpatrick, Blasdel, Buttrey, Caferro, Lavin, Noonan, Reichner, C. Smith, Sonju, Welborn, referred to Highways and Transportation.
HB 351, introduced by Edmunds, Arthun, Clark, Coffin, Curtis, Dudik, Eck, Ehli, Glimm, Gursky, Hagan, Harris, Hertz, Hollenbaugh, D. Jones, Kerns, Knudsen, Larsen, McCarthy, Mehlhoff, Randall, Sales, Salomon, Williams, Zolnikov, B. Bennett, Coffin, Dudik, Gursky, Hill, D. Moore, Schreiner, Steenberg, and Wilson., referred to Education and Cultural Resources.
HB 356, introduced by Clark, referred to Agriculture, Livestock and Irrigation.
HB 359, introduced by Fitzpatrick, Thomas, referred to Natural Resources.
HB 360, introduced by White, Edmunds, Galt, Glimm, Hagan, Jacobson, D. Jones, Regier, Shaw,

Welborn, referred to Fish and Game.
HB 362, introduced by Berry, referred to Business, Labor, and Economic Affairs.
HB 363, introduced by Berry, referred to Business, Labor, and Economic Affairs.
HB 367, introduced by McNiven, referred to Highways and Transportation.
HB 368, introduced by Clark, Coffin, Cuffe, Gursky, referred to Local Government.
HB 371, introduced by Ingraham, referred to Local Government.
HB 374, introduced by Fitzpatrick, Blasdel, Hansen, Knudsen, C. Smith, Vance, Welborn, Wittich, referred to Judiciary.
HB 388, introduced by Cuffe, referred to Natural Resources.
HB 389, introduced by Mehlhoff, referred to Agriculture, Livestock and Irrigation.
HB 392, introduced by Doane, Ankney, Berry, Randall, Redfield, Rosendale, Salomon, Welborn, referred to Natural Resources.
HB 414, introduced by Hoven, referred to Highways and Transportation.
HB 422, introduced by Blyton, Kary, Lang, Lenz, D. Moore, Rosendale, referred to Highways and Transportation.
HB 446, introduced by Schwaderer, Kerns, Miller, C. Smith, referred to Local Government.
HB 463, introduced by G. Bennett, Sonju, referred to Business, Labor, and Economic Affairs.
HB 469, introduced by Fitzpatrick, Glimm, referred to Business, Labor, and Economic Affairs.
HJR 3, introduced by O'Neil, Edmunds, Flynn, Galt, Glimm, Greef, Hansen, Harris, Jackson, Lavin, Lewis, Murphy, Randall, Salomon, Schwaderer, Warburton, referred to State Administration.
HJR 7, introduced by Connell, Hamlett, referred to State Administration.
HJR 9, introduced by McNiven, Ankney, G. Bennett, Berry, Blasdel, Brodehl, T. Brown, Clark, Connell, Cuffe, Edmunds, Fitzpatrick, Glimm, Hagan, Halvorson, Hertz, D. Jones, Kary, Keane, Knudsen, Lang, D. Moore, Olson, Randall, Rosendale, Salomon, Schwaderer, C. Smith, Vance, Wittich, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 344 - Senator Vincent moved **SB 344** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: Windy Boy.

Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 256 - Senator F. Moore moved **SB 256** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305 - Senator Peterson moved **SB 305** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 251 - Senator Wittich moved **SB 251** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Brenden, Priest, Ripley, Sales, Sonju, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 180 - Senator Debby Barrett moved **SB 180** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jones, Moore, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 28

Nays: Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Sesso, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 288 - Senator Vincent moved **SB 288** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Augare, Caferro, Kaufmann, Keane, Larsen, Sesso, Stewart-Peregoy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271 - Senator Thomas moved **SB 271** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 293 - Senator Tutvedt moved **SB 293** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 205 - Senator Wanzenried moved **SB 205** do pass.

SB 205 - Senator Wanzenried moved **SB 205**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "SENATE;"
Insert: "MODIFYING CERTAIN TIMELINES TO DETERMINE WHEN A SPECIAL ELECTION WILL BE HELD CONCURRENTLY WITH ANOTHER ELECTION;"

2. Page 1, line 17.
Following: the second "occurs"
Insert: ":
(a)"

3. Page 1, line 17 through line 18.
Strike: "or less" on line 17 through "years" on line 18
Insert: "through 85 days before a municipal general election"

4. Page 1, line 18 through line 19.
Following: "held with the"
Strike: "primary" on line 18 through "or"
Insert: "municipal"

5. Page 1, line 19.
Following: "election"
Insert: ";
(b) January 1 through 85 days before a federal primary election, the election must be held with the federal primary election;
(c) less than 85 days before a federal primary election, the election must be held with the federal general election;
(d) between the federal primary election and 85 days before a federal general election, the election must be held with the federal general election"

6. Page 1, line 20.
Following: "If"
Strike: "the"
Insert: "a"
Following: "vacancy"
Insert: "in the office of United States representative"
Following: "between the"
Insert: "federal"
Following: "primary and"
Insert: "the federal"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Blewett, Tropila, Van Dyk.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 205 - Senator Wanzenried moved **SB 205**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 332 - Senator Tutvedt moved **SB 332** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265 - Senator Jackson moved **SB 265** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 215 - Senator F. Moore moved **SB 215** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 302 - Senator Arntzen moved **SB 302** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: Augare, Boulanger, Jergeson, Malek, Sales, Stewart-Peregoy, Vuckovich, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 - Senator Vincent moved **SB 345** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 128 - Senator Buttrey moved **SB 128** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 18 - Senator Thomas moved **SJR 18** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 135 - Senator Wittich moved **SB 135** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Olson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Hamlett, Stewart-Peregoy, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the Senate recess until 12:50 p.m. Motion carried. Senate recessed at 12:20 p.m.

Senate reconvened at 12:56 p.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 173 - Senator Keane moved **SB 173** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Malek, Moore, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 33

Nays: Boulanger, T. Brown, Facey, Fielder, Jackson, Kaufmann, Lewis, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Thomas, Tutvedt, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 195 - Senator Blewett moved **SB 195** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 290 - Senator Arntzen moved **SB 290** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Rosendale, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 324 - Senator Rosendale moved **SB 324** do pass.

SB 324 - Senator Rosendale moved **SB 324**, second reading copy, be amended as follows:

1. Page 2, line 9.
Following: "~~vehicle,~~"
Insert: "recreational camping vehicle,"
Following: "home~~,~~"
Insert: ","

2. Page 3, line 8.
Following: "~~vehicles or~~"
Insert: "recreational camping vehicles or"

3. Page 8, line 19.
Following: "ON WHICH"
Insert: "recreational camping vehicles or"

4. Page 12, line 18.
Following: "~~vehicles or~~"
Insert: "recreational camping vehicles or"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown, Taylor.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 324 - Senator Rosendale moved **SB 324**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips,

Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sesso, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 - Senator Vincent moved **SB 347** do pass.

SB 347 - Senator Vincent moved **SB 347**, second reading copy, be amended as follows:

1. Page 2, line 8.
Following: "state waters"
Insert: "for a beneficial use pursuant to Title 85, chapter 2"

2. Page 2, line 9.
Following: "flow"
Insert: "related to a beneficial use pursuant to Title 85, chapter 2"

3. Page 7, line 18.
Following: "state waters"
Insert: "for a beneficial use pursuant to Title 85, chapter 2"

4. Page 7, line 19.
Following: "flow"
Insert: "related to a beneficial use pursuant to Title 85, chapter 2"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 - Senator Vincent moved **SB 347**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Hamlett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 - Senator Hamlett moved **SB 335** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Jergeson.
Total 1

SB 337 - Senator Hamlett moved **SB 337** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown,

Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 41

Nays: Barrett Dick, Blewett, Facey, Kaufmann, Malek, Phillips, Van Dyk, Wanzenried, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 320 - Senator Vincent moved **SB 320** do pass.

SB 320 - Senator Vincent moved **SB 320**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "INCLUDING" on line 6 through ""EXPENDITURE";"

2. Page 1, line 13 through line 22.
Strike: "; and" on line 13 through "vote"" on line 22

3. Page 3, line 8.
Following: "~~editorial~~"
Insert: ", commentary, or editorial"

4. Page 4, line 1.
Following: "~~editorial~~"
Insert: ", commentary, or editorial"

Amendment adopted as follows:

Yeas: Arthun, Blewett, Boulanger, T. Brown, Driscoll, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Thomas, Tropila, Van Dyk, Vincent, Windy Boy, Wittich, Mr. President.
Total 26

Nays: Arntzen, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, Buttrey, Caferro, Facey, Fielder, Kaufmann, Malek, Moore, Murphy, Ripley, Sales, Sonju, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Walker, Wanzenried, Webb.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 320 - Senator Vincent moved **SB 320**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 17 - Senator Jackson moved **SJR 17** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Ripley, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 7 - Senator Caferro moved **SB 7** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 43

Nays: D. Brown, Priest, Sales, Vincent, Walker, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 298 - Senator Windy Boy moved **SB 298** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 39

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Moore, Rosendale, Sales, Taylor, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 323 - Senator Thomas moved **SB 323** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Barrett Dick, Blewett, Caferro, Jent, Kaufmann, Phillips, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 370 - Senator Essmann moved **SB 370** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 - Senator Arthun moved **SB 366** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich.
Total 44

Nays: Murphy, Ripley, Stewart-Peregoy, Tropila, Wanzenried, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 361 - Senator Tutvedt moved **SB 361** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 340 - Senator Brenden moved **SB 340** do pass.

SB 340 - Senator Facey moved **SB 340**, second reading copy, be amended as follows:

1. Page 3, line 15.
Strike: "<u>are available</u>"
Insert: "or in electronic form are readily available"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Barrett Debby, Fielder, Jackson, Kaufmann, Ripley, Sales, Tropila, Wanzenried.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 340 - Senator Driscoll moved **SB 340**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "STATES"
Insert: "AND TRIBAL NATION"

2. Page 3, line 8.
Following: "flag"
Insert: "and a flag from each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 340 - Senator Brenden moved **SB 340**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 - Senator Jergeson moved **SB 307** do pass. Motion carried as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Larsen, Malek, Moore, Phillips, Priest, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Mr. President.
Total 29

Nays: Arntzen, Arthun, Brenden, D. Brown, T. Brown, Buttrey, Jones, Keane, Lewis, Murphy, Olson, Peterson, Ripley, Rosendale, Sonju, Taylor, Tutvedt, Walker, Webb, Windy Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Stewart-Peregoy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Fielder moved that **SB 359** be taken from Education and Cultural Resources and brought before the Committee of the Whole the next legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 28

Nays: Augare, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 275 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Stewart-Peregoy, Van Dyk.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 267 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Stewart-Peregoy, Wittich.

Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 13 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 41

Nays: Boulanger, D. Brown, Moore, Priest, Sales, Walker, Webb, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 327 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 42

Nays: Augare, Facey, Hamlett, Sales, Stewart-Peregoy, Van Dyk, Wanzenried, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 153 passed as follows:

Yeas: Augare, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 26

Nays: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 237 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Webb, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 352 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Ripley, Rosendale, Sesso, Taylor, Thomas, Van Dyk, Vuckovich, Windy Boy.
Total 30

Nays: Barrett Debby, Blewett, Boulanger, D. Brown, Fielder, Jackson, Moore, Olson, Priest, Sales, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Wanzenried moved that **SB 310** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 25

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Larsen moved to change his vote on **SB 237** from Yes to No. Without objection, so ordered.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Wednesday, February 27, 2013, forty-fourth legislative day. Motion carried.

Senate adjourned at 3:07 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 27, 2013 — State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 2/27/2013

Correctly printed: **SB 7**, **SB 128**, **SB 135**, **SB 173**, **SB 180**, **SB 195**, **SB 215**, **SB 251**, **SB 256**, **SB 265**, **SB 271**, **SB 288**, **SB 290**, **SB 293**, **SB 298**, **SB 302**, **SB 305**, **SB 307**, **SB 323**, **SB 332**, **SB 335**, **SB 337**, **SB 344**, **SB 345**, **SB 359**, **SB 361**, **SB 366**, **SB 370**, **SB 373**, **SB 374**, **SR 11**, **SJR 17**, **SJR 18**, **SJR 20**.
Correctly engrossed: **SB 205**, **SB 320**, **SB 324**, **SB 340**, **SB 341**, **SB 347**, **SB 372**.
Transmitted to the House: **SB 7**, **SB 19**, **SB 128**, **SB 135**, **SB 153**, **SB 173**, **SB 180**, **SB 195**, **SB 215**, **SB 237**, **SB 241**, **SB 251**, **SB 256**, **SB 262**, **SB 265**, **SB 267**, **SB 269**, **SB 271**, **SB 272**, **SB 275**, **SB 288**, **SB 290**, **SB 293**, **SB 297**, **SB 298**, **SB 299**, **SB 302**, **SB 305**, **SB 320**, **SB 323**, **SB 324**, **SB 325**, **SB 326**, **SB 327**, **SB 328**, **SB 332**, **SB 335**, **SB 336**, **SB 337**, **SB 340**, **SB 341**, **SB 342**, **SB 344**, **SB 345**, **SB 346**, **SB 347**, **SB 350**, **SB 351**, **SB 352**, **SB 356**, **SB 361**, **SB 364**, **SB 366**, **SB 370**, **SB 372**, **SJR 13**, **SJR 17**, **SJR 18**, **SJR 19**.

MESSAGES FROM THE GOVERNOR

February 26, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Tuesday, February 26, 2013, I signed the following Senate bills:

Senate Bill 5 - Buttrey
Senate Bill 36 - Murphy
Senate Bill 51 - Augare
Senate Bill 141 - Olson

These bills were delivered to the Secretary of State's Office today. In addition, the following bill was returned to the Secretary of State without signature:

Senate Bill 111 - Rosendale

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/26/2013

HB 48, introduced by McChesney
HB 84, introduced by Noonan
HB 256, introduced by Hoven
HB 273, introduced by McClafferty
HB 286, introduced by Brockie
HB 330, introduced by Fitzpatrick
HB 395, introduced by Wagoner
HB 396, introduced by Lang
HB 410, introduced by Washburn
HB 411, introduced by Harris
HB 448, introduced by Brodehl
HB 461, introduced by Lieser
HB 544, introduced by Reichner

MOTIONS

Senator Taylor thanked the week's pages for their service.

Senator Wanzenried moved that **SB 310** be taken from Judiciary and brought before the Committee of the Whole this date and placed at the bottom of the board. Motion **failed** as follows.

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 23

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 373, introduced by Keane, referred to Highways and Transportation.
SB 374, introduced by Lewis, Windy Boy, referred to Education and Cultural Resources.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 20, introduced by Webb, Caferro, referred to Public Health, Welfare and Safety.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 11, introduced by T. Brown, by request of the Senate Agriculture and Irrigation standing committee, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Rosendale in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 241 - Senator Brenden moved **SB 241** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 351 - Senator Olson moved **SB 351** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 - Senator Boulanger moved **SB 372** do pass.

SB 372 - Senator Boulanger moved **SB 372**, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "ENERGY SOURCE"
Insert: "FUEL-FIRED APPLIANCE"

2. Page 2, line 6.
Following: "unit"
Strike: "under the landlord's control"
Insert: "of a building that contains a combustible fuel-fired appliance or has an attached garage"

3. Page 2, line 7 through line 8.
Following: "detector" on line 7
Strike: ","
Strike: "located" on line 7 through "source," on line 8
Insert: "outside sleeping areas or, if common combustible fuel-fired laundry equipment is present, a carbon monoxide detector outside the laundry or utility room"

4. Page 2, line 9.
Strike: "combustible energy source is not used in"
Insert: "building including the dwelling unit does not contain a combustible fuel-fired appliance

and there is no attached garage to the building including"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Ripley.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 - Senator Boulanger moved **SB 372**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Tropila, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jergeson expressed a potential conflict of interest before voting on **SB 372**.

SB 218 - Senator Taylor moved **SB 218** do pass.

SB 218 - Senator Taylor moved **SB 218**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "; REQUIRING" on line 6 through "SELECT" on line 7
Insert: "WHO EXERCISE THEIR MEDICAL JUDGMENT IN SELECTING"

2. Page 3, line 8 through line 9.
Strike: subsection (3) in its entirety

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Boulanger, D. Brown, T. Brown, Caferro, Driscoll, Jones, Kaufmann, Keane, Larsen, Murphy, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Windy Boy, Mr. President.
Total 27

Nays: Arntzen, Barrett Dick, Blewett, Brenden, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Lewis, Malek, Moore, Olson, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 218 - Senator Taylor moved **SB 218**, as amended, do pass. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, T. Brown, Buttrey, Fielder, Jackson, Jones, Keane, Lewis, Murphy, Olson, Peterson, Rosendale, Sales, Taylor, Thomas, Tutvedt, Vincent.
Total 19

Nays: Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Moore, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 218 - Senator Wittich moved **SB 218** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Driscoll,

Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Murphy, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Arntzen, Barrett Debby, T. Brown, Caferro, Jackson, Keane, Moore, Olson, Peterson, Ripley, Taylor, Thomas.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 - Senator Windy Boy moved **SB 272** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 - Senator Murphy moved **SB 283** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Caferro, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Lewis, Malek, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sonju, Thomas, Tropila, Van Dyk, Vincent, Walker, Webb, Windy Boy.
Total 29

Nays: Augare, Barrett Dick, Blewett, D. Brown, Buttrey, Driscoll, Facey, Jergeson, Kaufmann, Larsen, Olson, Phillips, Sales, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Wanzenried, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 297 - Senator Arntzen moved **SB 297** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 35

Nays: Augare, Barrett Dick, Blewett, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Blewett expressed a conflict of interest before voting on **SB 297**.

SB 299 - Senator F. Moore moved **SB 299** do pass.

SB 299 - Senator Blewett moved **SB 299**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Following: "TRESPASS;"
Insert: "PROVIDING AN EXCEPTION UNDER CERTAIN CIRCUMSTANCES;"

2. Page 1, line 18.
Following: line 17
Insert: "(4)(a) When crossing from one property on which a person is lawfully authorized to remain to another property on which a person is lawfully authorized to remain, a person traveling on foot or by nonmotorized means who crosses private land at the geographic point that represents the corner of one or more parcels of private land and one or more parcels of public land does not violate this section as long as the person does not:
(i) cause physical harm to a landowner's real or personal property; or
(ii) unreasonably interfere with the quiet enjoyment or use of the landowner's property.
(b) This subsection (4) does not create a right of prescriptive easement across private land."

Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299 - Thereupon, the Senate reverted to the original motion of Senator F. Moore which passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 341 - Senator Fielder moved **SB 341** do pass.

SB 341 - Senator Fielder moved **SB 341**, second reading copy, be amended as follows:

1. Page 2, line 27.

Strike: "certified"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 341 - Senator Fielder moved **SB 341**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Windy Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 - Senator Windy Boy moved **SB 342** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Walker, Wanzenried, Windy Boy, Mr. President.
Total 44

Nays: Barrett Debby, Brenden, Ripley, Sales, Webb, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 346 - Senator Vincent moved **SB 346** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 - Senator Hamlett moved **SB 19** do pass.

SB 19 - Senator Hamlett moved **SB 19**, second reading copy, be amended as follows:

1. Page 2, line 23.
Strike: "<u>into the same system</u>"
Insert: "and part of the same delivery system when the water is put to use on the same parcel where the wells or developed springs are located"

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Murphy, Olson, Rosendale, Sesso, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich.

Total 24

Nays: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Lewis, Malek, Moore, Peterson, Phillips, Priest, Ripley, Sales, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 - Senator Ripley moved **SB 19**, second reading copy, be amended as follows:

1. Page 2, line 23.
Following: "that are"
Insert: ":
(a)"
Following: "system"
Insert: "; or
(b) located within a basin closed pursuant to 85-2-319, 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344 and located within 1,320 feet of one another on the same parcel as that parcel existed on [the effective date of this act]"

Amendment **not** adopted as follows:

Yeas: Arntzen, Brenden, D. Brown, Fielder, Jones, Keane, Larsen, Malek, Moore, Olson, Peterson, Ripley, Sesso, Sonju, Taylor, Tutvedt, Walker, Windy Boy, Mr. President.
Total 19

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Lewis, Murphy, Phillips, Priest, Rosendale, Sales, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Wittich.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 - Thereupon, the Senate reverted to the original motion of Senator Hamlett which passed as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Keane, Larsen, Olson, Peterson, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 27

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Phillips, Priest, Ripley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Hamlett expressed a conflict of interest before voting on **SB 19**.

Majority Leader Wittich moved the committee rise, report progress, and beg leave to sit again. Motion **failed** as follows:

Yeas: Arntzen, Boulanger, Caferro, Facey, Fielder, Jackson, Jent, Jergeson, Keane, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Vincent, Walker, Windy Boy, Wittich.
Total 25

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Hamlett, Jones, Kaufmann, Larsen, Lewis, Malek, Phillips, Sonju, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Wittich moved the Senate recess for 30 minutes. Without objection, so ordered. Senate recessed at 11:40 a.m.

Senate reconvened at 12:13 p.m.

SB 350 - Senator Tutvedt moved **SB 350** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown,

Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 36

Nays: Boulanger, Brenden, Moore, Priest, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 353 - Senator Walker moved **SB 353** do pass. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 353 - Senator Facey moved **SB 353** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 - Senator Arntzen moved **SB 356** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Fielder, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 - Senator Vincent moved **SB 364** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 19 - Senator Larsen moved **SJR 19** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Jackson, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 359 - Senator Fielder moved **SB 359** do pass.

SB 359 - Senator Fielder moved **SB 359**, second reading copy, be amended as follows:

1. Page 2, line 2 through line 3.
Strike: ":" on line 2 through "(a)" on line 3

2. Page 2, line 3 through line 4.
Strike: "in" through "ownership"
Insert: "or of the principal building of a publicly funded complex or campus"

3. Page 2, line 10 through line 11.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

4. Page 2, line 13.
Strike: "public entity"
Insert: "state agency or local government"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Kaufmann, Larsen, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried.

Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 359 - Senator Fielder moved **SB 359**, as amended, do pass. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Nays: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 359 - Senator Sesso moved **SB 359** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose.

Senate resumed. President Essmann presiding. Chair Rosendale moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Sales, Walker, Webb.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 344 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 256 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 251 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Boulanger, Brenden, Priest, Ripley, Sales, Sonju, Vincent, Vuckovich, Walker.

Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 180 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jones, Moore, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 28

Nays: Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Sesso, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 288 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Keane.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 293 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 205 failed as follows:

Yeas: Arntzen, Arthun, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 25

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 332 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Sales, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 215 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 302 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Augare, Jergeson, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 345 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila,

Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 128 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 18 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 135 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 173 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Malek, Moore, Peterson, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 32

Nays: Boulanger, D. Brown, T. Brown, Facey, Jackson, Kaufmann, Lewis, Murphy, Olson, Phillips, Priest, Rosendale, Sales, Thomas, Tutvedt, Vincent, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 195 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Ripley, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 290 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Rosendale, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 324 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sesso, Wanzenried.
Total 2

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 347 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Hamlett, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 335 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 337 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown,

Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 40

Nays: Barrett Dick, Blewett, Facey, Kaufmann, Malek, Phillips, Stewart-Peregoy, Van Dyk, Wanzenried, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 320 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 17 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Mr. President.
Total 46

Nays: Ripley, Sales, Windy Boy, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 7 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 44

Nays: D. Brown, Sales, Vincent, Walker, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 298 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 39

Nays: Barrett Debby, Boulanger, Brenden, Jackson, Moore, Rosendale, Sales, Sonju, Taylor, Vincent, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 323 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 38

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Jent, Kaufmann, Phillips, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 370 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 42

Nays: Kaufmann, Malek, Murphy, Ripley, Sesso, Tropila, Wanzenried, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 361 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 340 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 307 failed as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Murphy, Phillips, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Wanzenried.
Total 23

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Keane, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 262 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jackson, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk,

Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 328 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 38

Nays: Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Fielder, Kaufmann, Phillips, Priest, Tropila, Van Dyk, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 336 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Wittich moved the Senate suspend its rules and place those bills that passed second reading this date on third reading this date. The motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Facey, Sales, Tropila, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Peterson moved to change his third reading vote on **SB 307** from Yes to No. Without objection, so ordered.

Senator Jent moved to change his third reading vote on **SB 302** from No to Yes. Without objection, so ordered.

Senate recessed at 1:56 p.m. to prepare for the additional third reading agenda. Senate reconvened at 2:02 p.m.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 375, introduced by Peterson, Ankney, Dick Barrett, Berry, T. Brown, Cook, Driscoll, Facey, Hamlett, Hollandsworth, L. Jones, Keane, Larsen, Lewis, Olson, Phillips, Sesso, Tutvedt, Vuckovich, Windy Boy, referred to Judiciary.

MOTIONS

Senator Fielder moved the Senate reconsider its action on **SB 359**. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Hamlett,

Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

The Senate recessed for a brief period.

No further action was taken to place **SB 359** on a future agenda.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 241 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 351 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 372 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Augare, Barrett Dick, Caferro, Sesso, Tropila, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Jackson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 283 failed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jent, Jones, Keane, Lewis, Moore, Murphy, Peterson, Ripley, Rosendale, Thomas, Tropila, Tutvedt, Vincent, Walker.
Total 23

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Larsen, Malek, Olson, Phillips, Priest, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 297 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 37

Nays: Augare, Barrett Dick, Blewett, Facey, Jent, Jergeson, Kaufmann, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 299 passed as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder,

Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 341 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Barrett Debby, Brenden, Ripley, Sales, Wanzenried, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 346 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 passed as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Keane, Larsen, Olson, Priest, Rosendale, Sales, Sesso, Sonju, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 26

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Ripley, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Wanzenried.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 350 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 34

Nays: Arntzen, Boulanger, Brenden, Fielder, Moore, Priest, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 364 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 19 passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Jackson, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Wittich moved that the Senate adjourn until 5:00 p.m., Monday, March 4, the forty-sixth legislative day. Motion carried.

Senate adjourned at 2:19 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 28, 2013

Senate Chambers
State Capitol

No Senate floor session this date.

SENATE JOURNAL
63RD LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 4, 2013 — State Capitol

Senate convened at 5:00 p.m. President Essmann presiding. Invocation by Father Richard Francesco. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare and Blewett, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/4/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-first through thirty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 375**.

MESSAGES FROM THE GOVERNOR

February 27, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Wednesday, February 27, 2013, I signed the following Senate bills:

Senate Bill 73 - Kaufmann
Senate Bill 75 - Priest
Senate Bill 90 - Olson

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

March 1, 2013

Senator Jeff Essmann, President
Montana Senate
Capitol Building
Helena, Montana 59620

Dear President Essmann:

On Friday, March 1, 2013, I signed the following Senate Bills:

Senate Bill 47 - Keane
Senate Bill 65 - Wittich

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/27/2013

HB 6, introduced by Cook
HB 7, introduced by Cook
HB 19, introduced by Hollandsworth
HB 87, introduced by Welborn
HB 168, introduced by D. Moore
HB 178, introduced by Price
HB 216, introduced by Doane
HB 229, introduced by Reichner
HB 265, introduced by Fitzpatrick
HB 284, introduced by Cook
HB 299, introduced by Warburton
HB 310, introduced by C. Smith
HB 329, introduced by Brodehl
HB 344, introduced by Hoven
HB 352, introduced by Fitzpatrick
HB 355, introduced by Clark
HB 365, introduced by Steenberg
HB 385, introduced by Lavin
HB 391, introduced by G. Bennett
HB 399, introduced by Ballance

HB 401, introduced by Welborn
HB 417, introduced by Flynn
HB 421, introduced by Blyton
HB 431, introduced by Knudsen
HB 433, introduced by O'Hara
HB 437, introduced by McNiven
HB 438, introduced by Ballance
HB 442, introduced by Randall
HB 450, introduced by Hagan
HB 459, introduced by Kerns
HB 460, introduced by Hagan
HB 464, introduced by Clark
HB 473, introduced by Reichner
HB 494, introduced by Glimm
HB 497, introduced by White
HB 499, introduced by Hill
HB 501, introduced by Berry
HB 502, introduced by Brodehl
HB 508, introduced by Edmunds
HB 513, introduced by McChesney
HB 522, introduced by Schwaderer
HB 533, introduced by Cook
HB 552, introduced by Neill
HB 553, introduced by Halvorson
HB 554, introduced by B. Smith
HB 555, introduced by Hill
HB 562, introduced by Swanson
HB 564, introduced by Edmunds

House joint resolution passed and transmitted to the Senate for concurrence: 2/27/2013

HJR 11, introduced by Regier

House bills passed and transmitted to the Senate for concurrence: 2/28/2013

HB 61, introduced by Lynch
HB 171, introduced by C. Smith
HB 297, introduced by Howard
HB 322, introduced by Cuffe
HB 336, introduced by Gibson
HB 435, introduced by McChesney
HB 451, introduced by Galt
HB 455, introduced by Blyton
HB 457, introduced by Price

HB 462, introduced by D. Jones
HB 477, introduced by Berry
HB 485, introduced by Lavin
HB 505, introduced by Kerns
HB 510, introduced by Ingraham
HB 534, introduced by Williams
HB 545, introduced by Reichner
HB 547, introduced by Glimm
HB 548, introduced by Zolnikov
HB 558, introduced by Lenz
HB 560, introduced by Pierson

House joint resolutions passed and transmitted to the Senate for concurrence: 2/28/2013

HJR 12, introduced by Blasdel
HJR 13, introduced by Calf Boss Ribs
HJR 14, introduced by Jacobson

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the week:

Hayley Barker, Augusta
Taylor Flynn, Anaconda
Sarai McCollaum, Darby
Morgan Thiel, Sidney
Amanda Williams, Miles City
Elizabeth Williams, Miles City

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, March 5, 2013, the forty-seventh legislative day . Motion carried.

Senate adjourned at 5:12 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 5, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Richard Francesco. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare and Priest, excused. Quorum present.

Senator Sesso moved the Senate recess to take part in the historical re-enactment activities of the House of Representatives. Without objection, so ordered.

Senate recessed at 1:04 p.m.; Senate reconvened at 1:59 p.m.

MESSAGES FROM THE GOVERNOR

March 5, 2013

The Honorable Mark Blasdel
Speaker of the House

The Honorable Jeff Essmann
President of the Senate

Dear Speaker Blasdel and President Essmann,

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto HB 18, "AN ACT CLARIFYING THE DISTRIBUTIONS AND AMOUNTS TO BE TRANSFERRED FROM THE STATE GENERAL FUND TO THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTIONS 7-14-112, 10-2-112, 10-2-603, 10-3-801, 15-1-122, AND 15-35-108, MCA; AND PROVIDING AN EFFECTIVE DATE."

HB 18 was introduced at the recommendation of the Legislative Finance Committee to clarify the distribution mechanism for fund transfers from the general fund to the research and commercialization state special revenue account. HB 18 is an internal accounting fix that does not change the statutory appropriation to the research and commercialization state special revenue account. This technical fix unfortunately creates a conflict with HB 454 which will use spendable interest from the Permanent Fund of the Coal Tax Trust to help offset the costs of local governments. The Board of Research and Commercialization plays an important role in ensuring that work done at the Montana University System can translate into the market place, which is why I've proposed maintaining present law funding for the board in my Executive Budget.

As outlined in the budget I submitted to the Legislature, I believe we have an obligation to address our long-term liabilities and honor the promises made by our predecessors. This obligation includes fixing our retirement systems. HB 454, which is supported by a broad coalition including public employers and employees from across Montana, will temporarily increase employee and employer contributions to the public employee retiree system until the system is determined to be actuarially sound. It utilizes some of the spendable interest from the Permanent Fund of the Coal Tax Trust, coal severance tax revenues and state land revenues to assist local governments in meeting their financial obligations. Article VIII, section 15 of the Montana Constitution compels us to act, and HB 454 provides a comprehensive solution of shared sacrifice to shore up our public employee retirement system without raising taxes.

Because HB 18 interferes with the comprehensive proposal to bring our retirement systems back to sound actuarial footing, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 376, introduced by Jent, referred to Joint Select Committee on Pensions.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 301 - Senator Murphy moved **SB 301** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Sonju, Vincent, Wittich.

Total 3

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 190 - Senator F. Moore moved **HB 190** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 212 - Senator F. Moore moved **HB 212** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Brenden, Ripley, Rosendale, Sales, Vincent, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 357 - Senator Facey moved **SB 357** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 36

Nays: Boulanger, Brenden, T. Brown, Fielder, Priest, Ripley, Rosendale, Sales, Taylor, Walker, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SR 9 - Senator Windy Boy moved **SR 9** be adopted. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 30

Nays: Arthun, Barrett Debby, Boulanger, Brenden, Jackson, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 200 - Senator Vincent moved **SB 200** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 43

Nays: Barrett Dick, Driscoll, Kaufmann, Phillips, Stewart-Peregoy, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SJR 15 - Senator Fielder moved **SJR 15** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Facey, Van Dyk, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 28 - Senator Wittich moved **HB 28** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 123 - Senator Wanzenried moved **HB 123** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Phillips, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 12, introduced by Olson, referred to Energy and Telecommunications.
SR 13, introduced by Olson, referred to Energy and Telecommunications.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, March 6, 2013, the forty-eighth legislative day. Motion carried.

Senate adjourned at 3:07 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 6, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Richard Francesco. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Murphy, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/6/2013

Correctly printed: **SB 200**, **SB 301**, **SB 357**, **SB 376**, **SJR 15**, **SR 9**, **SR 12**, **SR 13**, **HB 28**, **HB 123**, **HB 190**, **HB 212**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/6/2013
HB 264, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/5/2013
HB 142, be concurred in. Report adopted.
HB 179, be concurred in. Report adopted.

MOTIONS

Senator Peterson moved **HB 304** be moved from the Education and Cultural Resources committee to the Judiciary committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 377, introduced by Wanzenried, B. Bennett, Curtis, Gursky, Malek, McCarthy, Murphy, Noonan, Peppers, Wilmer, referred to Business, Labor, and Economic Affairs.
SB 378, introduced by Kaufmann, referred to Taxation.
SB 379, introduced by Kaufmann, referred to Taxation.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 14, introduced by T. Brown (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Agriculture, Livestock and Irrigation.
SR 15, introduced by Arntzen (by request of the Senate Highways and Transportation Standing Committee), referred to Highways and Transportation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 21, introduced by Caferro, Ankney, Facey, Hagan, Harris, Hunter, Jent, Keane, Lynch, McChesney, O'Hara, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 48, introduced by McChesney (by request of the State Auditor), referred to Public Health, Welfare and Safety.
HB 84, introduced by Noonan (by request of the Select Committee on Efficiency in Government), referred to Public Health, Welfare and Safety.
HB 256, introduced by Hoven, referred to Energy and Telecommunications.
HB 273, introduced by McClafferty, referred to Fish and Game.
HB 286, introduced by Brockie, referred to Education and Cultural Resources.
HB 330, introduced by Fitzpatrick, Jent, referred to Judiciary.
HB 395, introduced by Wagoner, G. Bennett, Galt, Lavin, White, referred to Agriculture, Livestock and Irrigation.
HB 396, introduced by Lang, Galt, Hagan, Randall, Redfield, Warburton, referred to Fish and Game.
HB 410, introduced by Washburn, Ballance, G. Bennett, Blasdel, Blyton, Connell, Cook, Doane, Fiscus, Fitzpatrick, Galt, Glimm, Greef, Halvorson, Hertz, Hollandsworth, Ingraham, Laszloffy, Lavin, D. Moore, O'Hara, Redfield, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, White, referred to State Administration.
HB 411, introduced by Harris, Osmundson, Peterson, referred to State Administration.
HB 448, introduced by Brodehl, referred to State Administration.
HB 461, introduced by Lieser, Ankney, B. Bennett, Coffin, Curtis, Gursky, Pomnichowski, Steenberg, Whitford, referred to State Administration.
HB 544, introduced by Reichner, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 261 - Senator Olson moved **HB 261** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

SB 294 - Senator Arntzen moved **SB 294** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Stewart-Peregoy.
Total 1

Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

SB 191 - Senator T. Brown moved **SB 191** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Brenden, Jackson, Ripley, Sales, Vincent, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Murphy.

Total 1

SB 58 - Senator Kaufmann moved **SB 58** do pass.

SB 58 - Senator Windy Boy moved **SB 58**, second reading copy, be amended as follows:

1. Page 1, line 27.
Strike: "$1"
Insert: "$5"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

SB 58 - Thereupon, the Senate reverted to the original motion of Senator Kaufmann which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Nays: Boulanger, Brenden, T. Brown, Jackson, Priest, Rosendale, Sales, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Murphy.

Total 1

SB 231 - Senator Augare moved **SB 231** do pass. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Murphy.
Total 1

Senator Murphy present at this time.

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Brenden, Ripley, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 301 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Boulanger.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 190 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 212 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Brenden, Ripley, Rosendale, Sales, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 357 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 44

Nays: Brenden, T. Brown, Rosendale, Walker, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 9 adopted as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 32

Nays: Arthun, Barrett Debby, Boulanger, Brenden, Jackson, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 200 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Barrett Dick, Driscoll, Kaufmann, Phillips, Stewart-Peregoy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 15 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Barrett Dick, Jent, Van Dyk, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 28 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 123 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Brenden, Sales, Vincent.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, March 7, 2013, the forty-ninth legislative day. Motion carried.

Senate adjourned at 1:45 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 7, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Richard Francesco. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Priest and Walker, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/7/2013

Correctly printed: **SB 58**, **SB 191**, **SB 231**, **SB 294**, **SB 377**, **SB 378**, **SB 379**, **SJR 21**, **SR 14**, **SR 15**, **HB 142**, **HB 179**, **HB 261**, **HB 264**.
Correctly enrolled: **SR 9**.
Examined by the sponsor and found to be correct: **SR 9**.
Transmitted to the House: **SB 200**, **SB 301**, **SB 357**, **SJR 15**, **HB 28**, **HB 123**, **HB 190**, **HB 212**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 3/6/2013
HB 45, be concurred in. Report adopted.
HB 129, be concurred in. Report adopted.
HB 131, be concurred in. Report adopted.
HB 172, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/7/2013
HB 205, be concurred in. Report adopted.
HB 302, be amended as follows:

1. Page 2, line 6.
Strike: "(1)"

2. Page 2, line 9.
Strike: "(a)"
Insert: "(1)"
Renumber: subsequent subsections

3. Page 2, line 12 through page 2, line 22.
Strike: subsection (2) through subsection (3) in their entirety

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 3/6/2013
HB 50, be amended as follows:

1. Title, line 6.
Strike: "SANCTUARY"
Insert: "ANTICOOPERATION"

2. Title, line 6.
Strike: "REQUIRING"
Insert: "ALLOWING FOR"

3. Page 1, line 12.
Strike: "**sanctuary**"
Insert: "anticooperation"

4. Page 1, line 13.
Strike: "a sanctuary"
Insert: "an anticooperation"

5. Page 1, line 14.
Strike: "a sanctuary"
Insert: "an anticooperation"

6. Page 1.
Following: line 25
Insert: "(a) "Anticooperation policy" means a regulation, rule, policy, or practice adopted by a local governing body that prohibits or restricts local officials or employees from taking any of the following actions with respect to information regarding a person's immigration status:

(i) sending information to or requesting or receiving immigration status information from federal officials or law enforcement officers while the local official or employee is acting within the scope of the local official's or employee's official duties;

(ii) maintaining immigration status information;

(iii) exchanging immigration status information with any federal or state governmental entity or local governing body;

(iv) determining eligibility for any public benefit, service, or license provided by federal law or a law of this state or its political subdivisions;

(v) verifying a claim of residence or domicile if a determination of residence or domicile is required under federal law or a law of this state or its political subdivisions or under a judicial order issued pursuant to a civil or criminal proceeding in this state;

(vi) confirming the identity of a person who is detained by law enforcement officials;

(vii) determining whether a person is in compliance with the federal registration laws prescribed by Title II, chapter 7, of the Immigration and Nationality Act, 8 U.S.C. 1301, et seq., if the person is an alien; or

(viii) acting in any other manner that violates the provisions of 8 U.S.C. 1373 and 1644."
Renumber: subsequent subsections

7. Page 2, line 9 through line 29.
Strike: subsection (f) in its entirety

8. Page 4, line 12.
Strike: "sanctuary"
Insert: "anticooperation"

9. Page 4, line 13.
Strike: "a sanctuary"
Insert: "an anticooperation"

And, as amended, be concurred in. Report adopted.

HB 194, be amended as follows:

1. Page 3, line 7.
Strike: "$50,000"
Insert: "the amounts provided in 7-5-2301 and 7-5-4302"

And, as amended, be concurred in. Report adopted.

HB 258, be amended as follows:

1. Title, line 6.
Following: "NOTICE;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 25
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Lewis moved **HB 320** be moved from the Joint Select Committee on Pensions to the State Administration committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 380, introduced by Vincent, referred to Fish and Game.
SB 381, introduced by Vincent, referred to Fish and Game.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 16, introduced by Tutvedt, referred to Taxation.
SR 17, introduced by Sonju, referred to Business, Labor, and Economic Affairs.
SR 18, introduced by Sonju, referred to Business, Labor, and Economic Affairs.
SR 19, introduced by Sonju, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 6, introduced by Cook (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 7, introduced by Cook (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 120, introduced by Ingraham (by request of the Secretary of State), referred to State Administration.
HB 168, introduced by D. Moore, Hansen, Hansen, C. Smith, referred to Judiciary.
HB 178, introduced by Price, Ehli, Boland, Brockie, Coffin, Eck, Gursky, Hill, Hunter, Jacobson, McChesney, McClafferty, McNally, Mehlhoff, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Squires, Steenberg, Swanson, Whitford, Wilmer, and Woods, Boland, Brockie, Coffin, Court, Eck, Gursky, Hill, Hunter, Jacobson, McChesney, McClafferty, McNally, Mehlhoff, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Squires, Steenberg, Swanson, Whitford, Wilmer, and Woods, referred to Highways and Transportation.
HB 216, introduced by Doane, Ankney, G. Bennett, Berry, Galt, Halvorson, Harris, Ingraham, Knudsen, Osmundson, Randall, Redfield, Warburton, referred to Highways and Transportation.
HB 229, introduced by Reichner, referred to Judiciary.
HB 240, introduced by C. Smith, Ballance, G. Bennett, Blasdel, D. Brown, Doane, Fielder, Fiscus, Galt, Halvorson, Hansen, Howard, Jackson, Kary, Kerns, Knudsen, Lang, Lenz, McNiven, Miller, D. Moore, Osmundson, Randall, Redfield, Regier, Sales, Vance, Wagoner, Warburton, Washburn, Webb, White, Zolnikov, referred to Education and Cultural Resources.
HB 259, introduced by Hunter, Facey, Keane, Larsen, Rosendale, Thomas, Bangerter, Berry, Boland, Clark, Court, Cuffe, Curtis, Dudik, Eck, Greef, Hagan, Hill, Hollenbaugh, Jacobson, Kary, Lang, Lieser, Lynch, MacDonald, Mehlhoff, Miller, D. Moore, Neill, Noonan, O'Hara, Peppers, Price, Reichner, Salomon, C. Smith, Squires, Steenberg, and Welborn, referred to Highways and Transportation.
HB 265, introduced by Fitzpatrick, Noonan, referred to State Administration.
HB 299, introduced by Warburton, Ankney, Arntzen, G. Bennett, Berry, Blasdel, Brenden, Brockie, Brodehl, Buttrey, Connell, Cook, Doane, Dudik, Eck, Flynn, Galt, Glimm, Greef, Hagan, Halvorson, Hansen, Harris, Hertz, Hollenbaugh, Hoven, Howard, Jergeson, D. Jones, Knudsen, Lang, Lenz,

Lieser, McChesney, McNally, Pease-Lopez, Randall, Redfield, Reichner, Rosendale, Salomon, Shaw, B. Smith, Stewart-Peregoy, Wagoner, Washburn, Welborn, Windy Boy, referred to Highways and Transportation.
HB 310, introduced by C. Smith, G. Bennett, Berry, Blyton, Brodehl, Doane, Edmunds, Fiscus, Fitzpatrick, Flynn, Glimm, Hagan, Halvorson, Hansen, Hertz, Howard, D. Jones, Knudsen, Lang, Laszloffy, Lenz, McNiven, O'Hara, Osmundson, Redfield, Regier, Salomon, Shaw, Vance, Wagoner, Welborn, White, referred to Public Health, Welfare and Safety.
HB 314, introduced by Kary, Fiscus, D. Jones, Lenz, C. Smith, Webb, Zolnikov, referred to Local Government.
HB 329, introduced by Brodehl, Blasdel, Blyton, Ehli, Fiscus, Harris, Howard, Kary, Knudsen, McNiven, O'Hara, O'Neil, Regier, C. Smith, Vance, White, referred to State Administration.
HB 344, introduced by Hoven, referred to Agriculture, Livestock and Irrigation.
HB 352, introduced by Fitzpatrick, referred to Judiciary.
HB 355, introduced by Clark (by request of the Attorney General), referred to Judiciary.
HB 365, introduced by Steenberg, Ehli, Lenz, Osmundson, Squires, referred to Public Health, Welfare and Safety.
HB 369, introduced by Fitzpatrick, referred to Judiciary.
HB 385, introduced by Lavin, referred to Judiciary.
HB 391, introduced by G. Bennett, Ballance, Blasdel, Blyton, Brodehl, T. Brown, Ehli, Fiscus, Fitzpatrick, Glimm, Hansen, Harris, Ingraham, Jackson, Knudsen, Laszloffy, Lavin, Lenz, Lewis, O'Hara, Osmundson, Randall, Regier, Taylor, Vance, Wagoner, Walker, Washburn, Webb, Windy Boy, Zolnikov, referred to Judiciary.
HB 399, introduced by Ballance, Cuffe, Thomas, Vincent, Woods, referred to Agriculture, Livestock and Irrigation.
HB 417, introduced by Flynn, Galt, Harris, MacDonald, F. Moore, Randall, Rosendale, Wagoner, referred to Energy and Telecommunications.
HB 554, introduced by B. Smith, referred to State Administration.
HB 555, introduced by Hill, referred to Judiciary.
HB 562, introduced by Swanson, referred to Local Government.
HB 564, introduced by Edmunds, referred to Natural Resources.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 11, introduced by Regier, referred to Energy and Telecommunications.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 261 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Walker.
Total 2

SB 294 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Walker.
Total 2

SB 191 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 37

Nays: Arntzen, Boulanger, Brenden, D. Brown, Fielder, Jackson, Sales, Sonju, Vincent, Wittich, Mr. President.
Total 11

Absent or not voting: None.

Total 0

Excused: Priest, Walker.
Total 2

SB 58 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 35

Nays: Boulanger, Brenden, T. Brown, Jackson, Peterson, Rosendale, Sales, Taylor, Thomas, Vincent, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Priest, Walker.
Total 2

SB 231 passed as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Moore, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Priest, Walker.
Total 2

The "Expressions of Silence", a group of fifth through twelfth graders from the Montana School for the Deaf and Blind, performed for the Senate.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator F. Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 199 - Senator Keane moved **HB 199** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Kaufmann, Malek, Thomas, Van Dyk.
Total 4

Absent or not voting: None.
Total 0

Excused: Priest, Walker.
Total 2

HB 243 - Senator Facey moved **HB 243** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Walker.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair F. Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Walker.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, March 8, 2013, the fiftieth legislative day. Motion carried.

Senate adjourned at 1:36 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 8, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Richard Francesco. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/8/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-sixth through fortieth legislative days, find the same to be correct.

Correctly printed: **SB 380**, **SB 381**, **SR 16**, **SR 17**, **SR 18**, **SR 19**, **HB 45**, **HB 129**, **HB 131**, **HB 172**, **HB 205**.
Correctly engrossed: **HB 50**, **HB 194**, **HB 199**, **HB 243**, **HB 258**, **HB 302**.
Transmitted to the House: **SB 58**, **SB 191**, **SB 231**, **SB 294**, **HB 261**.
Signed by the Secretary of the Senate at 2:20 p.m., March 7, 2013: **SR 9**.
Signed by the President at 3:08 p.m., March 7, 2013: **SR 9**.
Delivered to the Secretary of State at 11:30 a.m., March 8, 2013: **SR 9**.

MOTIONS

Senator Wittich moved the Senate recess and proceed to the House of Representatives to meet in joint session for the purpose of receiving the State of the Tribal Nations address and, upon adjournment of the joint session, the Senate reconvene. The motion carried.

The Senate recessed at 1:05 p.m.

After the Senate was introduced in the House Chambers, President Essmann assumed the chair.

Majority Leader Wittich moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving the State of the Tribal Nations address. Motion carried.

Majority Leader Wittich moved the President be authorized to appoint a committee of four to notify Chairman Joe Durglo, of the Confederated Salish and Kootenai Tribes, that the body was in joint session and ready to receive his address. Motion carried.

President Essmann appointed Senators Windy Boy and Augare, and Representatives Schwaderer and Calf Boss Ribs to escort Chairman Durglo into the House Chambers.

President Essmann introduced Chairman Durglo of the Confederated Salish and Kootenai Tribes who gave the following address:

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Members of the Montana Indian Caucus, members of the 63rd session of the Montana Legislature, elders, tribal leaders, state officials, and my fellow citizens. As Chairman of the Confederated Salish and Kootenai Tribes, one of the eight Tribes that call Montana home, it's an honor to be here today to deliver the State of the Indian Nation address.

Eight diverse Indian Nations conduct business daily within the boundaries of the state of Montana. From the coal fields of the Crow, to the microchips manufactured at S&K Electronics on the Flathead Reservation, our people are pursuing their dream one step at a time. Our world today is much different than when our sustenance came from the open prairies, mountainsides and streams. We took game, high mountain berries, and native Bull trout. As a people, the Indians of this region have been conducting business for centuries on our homelands.

As the territory evolved, and Montana was established, and we became neighbors, we have come a long ways together. We've watched each other grow and develop. Like so many neighbors before us, we had a choice. Dig in and fight each other, or find a way to co-exist. Montanans were not our first neighbors. We first sorted out Nation to Nation issues with the Blackfeet, the Nez Perce and the Spokane. We found a way to make it work, to thrive in each other's company.

As Montana developed, we again found a way to work together. In 2012, there were 450 partnerships and collaborative projects between the state of Montana and Tribal nations. There is strength in joining forces. Tribes across the country have banded together both regionally and nationally. We are members of the National Congress of American Indians, and members of the Affiliated Tribes of the Northwest Indians, and we are members of the Montana Wyoming Tribal Leaders Council of Montana and Wyoming. We are also US citizens, defenders of our country in the armed services in the highest percentage of any group of Americans, and we are valuable members of Montana's community. We will continue to be viable partners with Montana, for the good of all of our communities. To ensure our ties remain strong, I want to suggest that the members of this legislature embrace tribal sovereignty, not be wary or suspicious of it. This sovereignty allows us to prosper in a manner that helps the State prosper. As the expression goes; as the financial waters rise for the Tribal nations, the waters rise for everyone.

Today, all eight nations are experiencing successes our ancestors would hardly believe. Yet there is much work remaining. We must focus on economic development, job creation, education, and health care. Continued cooperative agreements between the tribes and state will help improve the economic conditions of the reservations, which will in turn benefit Montana's economy and communities.

The University of Montana study, Uncovering Economic Contributions of Montana's Indian Tribes, revealed that reservations are economic engines that infuse $1 billion annually into the state economy. As our reservation conditions improve, so does Montana.

The work to improve reservation conditions has been a focus of the Montana American Indian Caucus through efforts to improve academic achievement in our communities and support for our native language preservation. Senator Jonathan Windy Boy's Senate Bill 342 is a much needed step toward preserving our languages.

In the previous legislative session, great strides were made to ensure tribal governments were taxed equally with state governments. Those efforts continue this session, which need support. Senate Bill 231 would increase the tax threshold for tribal recreational property, a step of putting tribal government lands on the same status as state lands.

All of the Tribal Nations that call Montana home are very different, however, we have similar challenges remaining for our people in areas of unemployment and standards of living. Thank you for the continued training you provide state employees on best ways to work within Indian Country. The next update of a Government-to-Government Proclamation could expand into Tribal languages, histories, and culture that reinforces and enriches Montana further. This will help the work needed to protect our sacred sites and historical areas.

Throughout our Tribal nations, we welcome partners willing to listen to our vision for our people, and work to create a world rich with our traditional values. We need to continue supporting the tribal colleges, which turn out a skilled workforce. Meeting the challenges of our homelands requires some focused strategy, but we can get there together.

In our community, many people talk about the formula for success. The method is simple. It's collaborating and finding the best ways that work for our communities. That is easier said than done. We value the friendships that have developed through the years. These connections help us weather the conflicts that rise. Sometimes our values fight to co-exist and we must work through these tensions.

As a tribal people, we have not forgotten our past. We embrace our traditional ways, our languages, and our culture that has enabled our people to thrive on this land for thousands of years. But we also look toward the future.

The national economic horizon has been murky. We're all looking forward to brighter days. Much state effort has been put toward tourism, an effort the tribes joined. We're seeking the same goals, more jobs, more opportunities, a thriving economy where none are left wanting. It is a wise path to continue seeking these mutually beneficial partnerships.

For example, the oil exploration and production in Northeast Montana is impacting all the neighboring communities including the Fort Peck Reservation. Tribal infrastructure and services face overwhelming demands. This is an opportunity to partner with Montana in addressing shortages of law enforcement and emergency response personnel. With the oil boom comes a need to meet these demands together.

Further to the west, the Salish and Kootenai people are pursuing an enormous economic development plan, with state and federal partners. If successful, it will ensure the economic engine in Western Montana continues to run. I'm talking about the water rights compact.

We are the final tribe seeking quantification of our water rights through the Montana state system. We are the only reservation in Montana with a Stevens Treaty, which includes off-reservation rights, a type of Treaty common in the Columbia River basin. Our negotiations with the Reserved Water Right Compact Commission resulted in a completed compact. We endeavored to bring a bright spot to the Mission Valley and Western Montana in the form of a completed compact that could pass through this session of the state legislature, and bring certainty after decades of fighting.

However, there are forces that wish to tie up the Western Montana economy with unnecessary court battles that will drag down all of our businesses. We agreed to this state process of seeking a compact. We've been at public meetings for decades in an effort that has been intense for the past four years. Our efforts have been met with suspicion by those that refuse to trust the Tribes, even though this is a state process. We are in danger of allowing our differences to define us when we should be using our differences to make us stronger.

We look forward to a day when we can conduct business in a mutually respectful environment. Be the topic water, buffalo or extended medical care, there must be respect. We are Native, and we are proud, and we are strong, and we offer our partnership to you for the greater good of the community. Support the agreed upon water compact. That compact contains the very progressive concept of unitary management of water that will make water rights transparent and will benefit both the environment and agriculture community.

We are sovereign nations, empowered to determine how best to govern ourselves. Our history goes back more than 14,000 years on our homeland. We've endured many changes. As a people, we expect to continue our long running success.

We'll continue as your colleague, your neighbor, business partner, educator and your friend. We'll continue to run our colleges, our law enforcement teams, courts, and businesses. We'll tend to the social service programs, wildlife, and forestry management. We'll still watch the lakes and streams for signs of trouble and plan for road expansions and infrastructure developments. There are projects to administer, meetings to take, and letters to send. We all know about getting business done. We look forward to another bright morning where you trust we will be there at the table when you need us, and, in return, the Tribal nations can count of your growing understanding of working with us as your partners.

Lemlmts, Pesya

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President Essmann directed the committee of four to escort Chairman Durglo from the joint session.

Majority Leader Wittich moved the joint session be adjourned. The motion carried. The joint session adjourned at 1:26 p.m.

The Senate reconvened at 1:32 p.m.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/7/2013
HB 337, be concurred in. Report adopted.
HB 356, be concurred in. Report adopted.
HB 389, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/7/2013
HB 82, be concurred in. Report adopted.
HB 305, be concurred in. Report adopted.
HB 308, be concurred in. Report adopted.
HB 463, be amended as follows:

1. Page 2, line 13.
Strike: "more than"
Following: "$1,500"
Insert: "or more"

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/7/2013
HB 26, be concurred in. Report adopted.
HB 27, be concurred in. Report adopted.
HB 136, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/7/2013
HB 270, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/8/2013
HB 68, be concurred in. Report adopted.
HB 70, be concurred in. Report adopted.
HB 206, be amended as follows:

1. Page 1, line 15.
Strike: "IN"
Insert: "beginning July 1,"

2. Page 1, line 16.
Strike: "IN"
Insert: "beginning July 1,"

3. Page 1, line 17.
Strike: "IN"
Insert: "beginning July 1,"
Strike: "AND SUBSEQUENT YEARS"

4. Page 1, line 21 through page 1, line 23.
Following: "rendered."
Strike: line 21 through line 23 in their entirety

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/7/2013
HB 66, be concurred in. Report adopted.
HB 89, be concurred in. Report adopted.

MOTIONS

Senator Arntzen moved **HB 259** be moved from the Highways and Transportation committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 61, introduced by Lynch (by request of the Department of Corrections), referred to Public Health, Welfare and Safety.
HB 171, introduced by C. Smith, Bangerter, Debby Barrett, G. Bennett, Blasdel, Brenden, T. Brown, Clark, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Halvorson, Hansen, Hill, Howard, Ingraham, Jackson, D. Jones, Kary, Kerns, Knudsen, Lenz, Lewis, Miller, O'Hara, Priest, Redfield, Regier, Sales, Salomon, Schreiner, Schwaderer, Taylor, Vance, Vincent, Walker, Warburton, Webb, Zolnikov, referred to Public Health, Welfare and Safety.
HB 297, introduced by Howard, Arthun, Boulanger, Brodehl, Hagan, Harris, Kary, Warburton, Washburn, Webb, referred to Business, Labor, and Economic Affairs.
HB 322, introduced by Cuffe, referred to Agriculture, Livestock and Irrigation.
HB 421, introduced by Blyton, Clark, Galt, Greef, Hagan, Hollandsworth, McChesney, Rosendale, Schwaderer, Steenberg, Wagoner, Washburn, Webb, referred to Judiciary.
HB 431, introduced by Knudsen, Doane, Halvorson, Lang, Randall, Rosendale, referred to Energy and Telecommunications.
HB 433, introduced by O'Hara, Bangerter, Boland, Boulanger, Curtis, Edmunds, Fitzpatrick, Gursky, Hill, Hollenbaugh, Jacobson, Larsen, Lavin, Mehlhoff, Pierson, Pomnichowski, Shaw, Thomas, Tropila, Welborn, Zolnikov, referred to Judiciary.
HB 435, introduced by McChesney, referred to Local Government.
HB 437, introduced by McNiven, T. Brown, Kary, D. Moore, referred to Local Government.

HB 438, introduced by Ballance, referred to Judiciary.
HB 442, introduced by Randall, Lavin, referred to Highways and Transportation.
HB 451, introduced by Galt, Ehli, Flynn, Lenz, Randall, referred to Natural Resources.
HB 455, introduced by Blyton, Ballance, Glimm, Hertz, Laszloffy, referred to Business, Labor, and Economic Affairs.
HB 457, introduced by Price, referred to State Administration.
HB 459, introduced by Kerns, referred to Judiciary.
HB 462, introduced by D. Jones, Knudsen, C. Smith, referred to Business, Labor, and Economic Affairs.
HB 473, introduced by Reichner, referred to Public Health, Welfare and Safety.
HB 485, introduced by Lavin, referred to Judiciary.
HB 494, introduced by Glimm, G. Bennett, Fitzpatrick, Halvorson, Hollenbaugh, Regier, referred to Highways and Transportation.
HB 497, introduced by White, Glimm, Harris, Howard, Knudsen, Redfield, Regier, Schwaderer, Shaw, Washburn, referred to Local Government.
HB 499, introduced by Hill, Arntzen, Edmunds, Gursky, Hansen, Knudsen, Larsen, Rosendale, referred to Local Government.
HB 502, introduced by Brodehl, referred to Agriculture, Livestock and Irrigation.
HB 505, introduced by Kerns, referred to Judiciary.
HB 508, introduced by Edmunds, Arntzen, referred to Highways and Transportation.
HB 510, introduced by Ingraham, referred to Judiciary.
HB 513, introduced by McChesney, Ankney, Arntzen, Blasdel, Cuffe, Glimm, Hollandsworth, Keane, Thomas, Vincent, referred to Natural Resources.
HB 522, introduced by Schwaderer, Ballance, B. Bennett, Coffin, Doane, Edmunds, Fielder, Fiscus, Galt, Gursky, Harris, Hill, Jacobson, D. Jones, Kary, Kerns, Knudsen, Miller, D. Moore, O'Neil, Redfield, Sales, Salomon, C. Smith, Steenberg, White, Zolnikov, referred to Judiciary.
HB 534, introduced by Williams, Hunter, McNally, referred to Judiciary.
HB 545, introduced by Reichner, referred to Business, Labor, and Economic Affairs.
HB 547, introduced by Glimm, Ballance, G. Bennett, Blasdel, Doane, Fitzpatrick, Knudsen, McChesney, Redfield, Shaw, C. Smith, Vance, Welborn, referred to Natural Resources.
HB 548, introduced by Zolnikov, referred to Highways and Transportation.
HB 552, introduced by Neill, referred to State Administration.
HB 553, introduced by Halvorson, Brenden, Doane, Knudsen, Rosendale, referred to Natural Resources.
HB 558, introduced by Lenz, referred to Highways and Transportation.
HB 560, introduced by Pierson, referred to State Administration.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 12, introduced by Blasdel, Hollenbaugh, Hunter, Knudsen, McClafferty, Sesso, Sonju, Vance, Howard, referred to Agriculture, Livestock and Irrigation.
HJR 13, introduced by Calf Boss Ribs, Brockie, Coffin, Dudik, Hill, Jacobson, MacDonald, McCarthy, McClafferty, Neill, Noonan, Pease-Lopez, Schreiner, Squires, Swanson, Wilmer, referred to Judiciary.

HJR 14, introduced by Jacobson, Blasdel, Eck, Hansen, Hunter, Knudsen, McClafferty, Mehlhoff, Miller, Price, C. Smith, Wilson, Zolnikov, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Caferro in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 264 - Senator Fielder moved **HB 264** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Boulanger.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 142 - Senator Ripley moved **HB 142** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 179 - Senator Fielder moved **HB 179** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 84 - Senator Kaufmann moved **SB 84** do pass.

SB 84 - Senator Kaufmann moved **SB 84**, second reading copy, be amended as follows:

1. Page 8, line 16.
Following: "PROVIDERS"
Insert: "and payers"

2. Page 8, line 17.
Following: "PARTICIPATION,"
Insert: "collectively"
Strike: "AN"
Insert: "one"

3. Page 8, line 19.
Strike: "DURING" through "IN"
Insert: "no later than September 30,"

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Thomas,

Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 38

Nays: Arntzen, Boulanger, Brenden, D. Brown, Jackson, Rosendale, Sales, Sonju, Taylor, Walker, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 84 - Senator Kaufmann moved **SB 84**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 37

Nays: Arntzen, Barrett Debby, Brenden, D. Brown, Hamlett, Jackson, Lewis, Murphy, Ripley, Sales, Sonju, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Caferro moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Hamlett.
Total 1

Absent or not voting: None.

Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 199 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Kaufmann, Malek, Sales, Van Dyk, Walker.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 243 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, March 9, 2013, the fifty-first legislative day. Motion carried.

Senate adjourned at 2:17 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

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FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 9, 2013 — State Capitol

Senate convened at 8:01 a.m. President Essmann presiding. Invocation by Father Richard Francesco. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Larsen, F. Moore, Priest, and Rosendale, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/9/2013

Correctly printed: **HB 26**, **HB 27**, **HB 66**, **HB 68**, **HB 70**, **HB 82**, **HB 89**, **HB 136**, **HB 142**, **HB 270**, **HB 305**, **HB 308**, **HB 337**, **HB 356**, **HB 389**.
Correctly engrossed: **SB 84**, **HB 179**, **HB 206**, **HB 264**, **HB 463**.
Transmitted to the House: **HB 199**, **HB 243**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 3/8/2013
HB 317, be concurred in. Report adopted.
HB 318, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 3/7/2013
SR 12, be adopted. Report adopted.
SR 13, be adopted. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/8/2013
SR 10, preliminary report, be adopted. Report adopted.
HB 59, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/8/2013

SB 123, introduced by Van Dyk
SB 164, introduced by Keane

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/8/2013

SB 41, introduced by Buttrey

House bills passed and transmitted to the Senate for concurrence: 3/8/2013

HB 313, introduced by Schreiner
HB 465, introduced by Blyton

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 45 - Senator Murphy moved consideration of **HB 45** be passed for the day. Motion withdrawn.

HB 45 - Senator Driscoll moved **HB 45** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

HB 131 - Senator Blewett moved **HB 131** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

HB 194 - Senator Augare moved **HB 194** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy.
Total 38

Nays: D. Brown, Caferro, Keane, Sales, Tropila, Wanzenried, Wittich, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

HB 258 - Senator Dick Barrett moved **HB 258** be concurred in. Motion **failed** as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jent, Jones, Lewis, Murphy, Olson, Peterson, Ripley, Sales, Sonju, Taylor, Thomas, Tropila, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

HB 258 - Senator Wittich moved **HB 258** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jent, Jones, Lewis, Murphy, Olson, Peterson, Ripley, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Murphy, Olson, Peterson, Ripley, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Barrett Dick, Boulanger, Caferro, Facey, Kaufmann, Keane, Phillips, Sesso, Van Dyk, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 264 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Facey, Van Dyk.
Total 2

Absent or not voting: None.
Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

HB 142 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

HB 179 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Larsen, Moore, Priest, Rosendale.
Total 4

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, March 11, 2013, the fifty-second legislative day. Motion carried.

Senate adjourned at 8:43 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 11, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Van Dyk, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/11/2013

Correctly printed: **SR 10**, **SR 12**, **SR 13**, **HB 45**, **HB 59**, **HB 131**, **HB 194**, **HB 317**, **HB 318**.
Correctly enrolled: **SB 123**, **SB 164**.
Examined by the sponsor and found to be correct: **SB 164**.
Transmitted to the House: **HB 142**, **HB 179**, **HB 264**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/11/2013
HB 469, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/8/2013
HB 252, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/9/2013

HB 373, introduced by Reichner
HB 415, introduced by Hagan
HB 488, introduced by Gursky
HB 524, introduced by Clark

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 382, introduced by Kaufmann, referred to Taxation.
SB 383, introduced by Wanzenried, Caferro, referred to Public Health, Welfare and Safety.
SB 384, introduced by Facey, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 313, introduced by Schreiner, Calf Boss Ribs, O'Hara, Price, Wilmer, referred to Education and Cultural Resources.
HB 465, introduced by Blyton, Cook, Hollandsworth, Lenz, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 337 - Senator F. Moore moved **HB 337** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 356 - Senator Augare moved **HB 356** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 47

Nays: Priest, Mr. President.

Total 2

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 389 - Senator Malek moved **HB 389** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Rosendale, Sales, Vincent, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 82 - Senator Facey moved **HB 82** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 305 - Senator Sonju moved **HB 305** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 308 - Senator Facey moved **HB 308** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Ripley, Rosendale, Taylor, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 136 - Senator Thomas moved **HB 136** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: D. Brown, Walker, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 89 - Senator Dick Barrett moved **HB 89** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 39

Nays: Boulanger, D. Brown, Fielder, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 45 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 131 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 194 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones,

Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 40

Nays: Caferro, Keane, Larsen, Priest, Sales, Sesso, Tropila, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 84 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 41

Nays: Boulanger, Brenden, Murphy, Sales, Sonju, Webb, Wittich, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the week:

Elizabeth Armstrong, Belgrade
Allison Arthun, Wilsall
Addy-Mae Ferguson, Livingston
Kyu Lim Lee, Bozeman
Shaniah O'Brien, Townsend
Christine Patten, Helena

MOTIONS

HB 258 - Senator Dick Barrett moved to reconsider action on **HB 258** and that **HB 258** be placed on second reading the next legislative day.

Senator Wittich clarified that the action requires two motions: the first to reconsider the indefinite postponement action, and a second motion related to specific placement of the bill.

HB 258 - Senator Dick Barrett withdrew his motion and moved to reconsider the indefinite postponement of **HB 258**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 35

Nays: Barrett Debby, Brenden, D. Brown, T. Brown, Jent, Lewis, Ripley, Rosendale, Sales, Taylor, Vincent, Walker, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

Senator Dick Barrett moved to place **HB 258** on second reading the next legislative day.

HB 258 - Senator Priest moved a substitute motion to assign **HB 258** to the Judiciary committee. The motion **failed** as follows:

Yeas: Arthun, Barrett Debby, Boulanger, D. Brown, Fielder, Jackson, Jones, Larsen, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 22

Nays: Arntzen, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

HB 258 - Senator Buttrey moved a substitute motion that **HB 258** be re-referred to the Local Government committee. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Mr. President.
Total 45

Nays: Blewett, Tropila, Windy Boy, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SB 377 - Senator Sonju moved **SB 377** be moved from the Business, Labor, and Economic Affairs committee to the Judiciary committee. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Walker, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Van Dyk.
Total 1

SPECIAL ORDERS OF THE DAY

President Essmann discussed procedures related to committee reports on Senate resolutions containing appointments made by the Governor.

A resolution which contains multiple appointments will be reported out of committee in a **Preliminary** standing committee report which will be printed and placed on members' desks. Senators have three days within which to request one or more individual appointments be segregated into a separate resolution. If no segregation is requested, the report will be finalized, placed on members' desks, and considered by the Senate under Special Orders of the Day on the next day's business.

If a request for segregation is made, the standing committee will segregate appointments before producing final committee reports.

A resolution which contains only one appointment will be reported out of committee in a standing committee report which will be placed on members' desks. The resolution will be considered by the Senate under Special Orders of the Day on the next day's business.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, March 12, 2013, the fifty-third legislative day. Motion carried.

Senate adjourned at 1:49 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 12, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Pastor Keith Johnson. Girl Scouts from the Helena area presented the colors and led the Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Caferro, Stewart-Peregoy, and Windy Boy, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/12/2013

Correctly printed: **SB 382**, **SB 383**, **SB 384**, **HB 82**, **HB 89**, **HB 136**, **HB 252**, **HB 308**, **HB 337**, **HB 469**.
Correctly engrossed: **HB 71**, **HB 305**, **HB 356**, **HB 389**.
Examined by the sponsor and found to be correct: **SB 123**.
Transmitted to the House: **SB 84**, **HB 45**, **HB 131**, **HB 194**.
Signed by the Secretary of the Senate at 2:35 p.m., March 11, 2013: **SB 164**.
Signed by the President at 3:30 p.m., March 11, 2013: **SB 164**.
Signed by the Speaker at 11:30 a.m., March 12, 2013: **SB 164**.
Signed by the Secretary of the Senate at 8:25 a.m., March 12, 2013: **SB 123**.
Signed by the President at 9:25 a.m., March 12, 2013: **SB 123**.
Signed by the Speaker at 11:30 a.m., March 12, 2013: **SB 123**.
Signed by the Secretary of the Senate at 10:10 a.m., March 12, 2013: **SJR 2**.
Signed by the President at 10:20 a.m., March 12, 2013: **SJR 2**.
Signed by the Speaker at 11:30 a.m., March 12, 2013: **SJR 2**.
Delivered to the Governor for approval at 12:25 p.m., March 12, 2013: **SB 123**, **SB 164**.
Delivered to the Secretary of State at 12:35 p.m., March 12, 2013: **SJR 2**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/12/2013
SR 18, be adopted. Report adopted.
SR 19, be adopted. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 3/11/2013
HB 351, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 3/12/2013
HB 210, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/12/2013
HB 71, be amended as follows:

1. Title, page 1, line 11.
Following: "DATE"
Strike: "AND A TERMINATION DATE"

2. Page 2, line 3.
Strike: "DEPARTMENT OF CORRECTIONS"
Insert: "board of crime control"

3. Page 3, line 11 through page 4, line 7.

Strike: "(4)" on page 3, line 11 through "board." on page 4, line 7
Renumber: subsequent subsections

4. Page 6, line 9.
Strike: section 5 in its entirety

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

JOINT SELECT COMMITTEE ON PENSIONS (Lewis, Chair): 3/12/2013
SB 376, do pass. Report adopted.

MOTIONS

HB 205 - Senator Vincent moved consideration of **HB 205** be passed for the day. Without objection so ordered.

Senator Caferro present at this time.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 20, introduced by Tutvedt (by request of the Senate Taxation Standing Committee), referred to Taxation.
SR 21, introduced by Priest (by request of the Senate Public Health, Welfare, and Safety Standing Committee), referred to Public Health, Welfare and Safety.
SR 22, introduced by Arthun (by request of the Senate State Administration Standing Committee),

referred to State Administration.
SR 23, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.
SR 24, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.
SR 25, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.
SR 26, introduced by Ripley (by request of the Senate Finance and Claims Standing Committee), referred to Finance and Claims.
SR 27, introduced by Murphy, Augare, Driscoll, Jent, Larsen (by request of the Senate Judiciary Standing Committee), referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 373, introduced by Reichner, Schwaderer, referred to Taxation.
HB 488, introduced by Gursky, Boland, Curtis, Dudik, Eck, Hill, Jacobson, Laszloffy, Lieser, MacDonald, McChesney, Peppers, Pierson, Pomnichowski, Schreiner, B. Smith, Steenberg, Wilson, Woods, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 26 - Senator Thomas moved **HB 26** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried.
Total 22

Absent or not voting: None.
Total 0

Excused: Stewart-Peregoy, Windy Boy.

Total 2

Senator Stewart-Peregoy present at this time.

HB 27 - Senator Debby Barrett moved **HB 27** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 19

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Thomas excused at this time.

HB 172 - Senator Blewett moved **HB 172** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 45

Nays: Barrett Debby, Brenden, Jones.
Total 3

Absent or not voting: None.
Total 0

Excused: Thomas, Windy Boy.
Total 2

Senator Thomas present at this time.

HB 302 - Senator Sales moved **HB 302** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Sonju expressed a conflict of interest before voting.

HB 50 - Senator Olson moved **HB 50** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 21

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 41 - **House Amendments** - Senator Buttrey moved House amendments to **SB 41** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 337 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 356 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich.
Total 47

Nays: Priest, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 389 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Mr. President.
Total 38

Nays: Arntzen, Boulanger, D. Brown, Caferro, Priest, Rosendale, Sales, Sonju, Vincent, Wanzenried, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 82 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 305 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 308 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Mr. President.
Total 43

Nays: Priest, Ripley, Rosendale, Taylor, Webb, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 136 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 89 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 37

Nays: Arthun, Boulanger, D. Brown, Priest, Rosendale, Sales, Sonju, Vincent, Walker, Webb, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SPECIAL ORDERS OF THE DAY

SR 12 - Senator Olson moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 12**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb.
Total 43

Nays: Boulanger, Fielder, Taylor, Thomas, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SR 13 - Senator Olson moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 13**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, March 13, 2013, the fifty-fourth legislative day. Motion carried.

Senate adjourned at 2:43 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 13, 2013 — State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Debby Barrett presiding. Invocation by Reverend Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Mr. President, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/13/2013

Correctly printed: **SB 376**, **SR 18**, **SR 19**, **SR 20**, **SR 21**, **SR 22**, **SR 23**, **SR 24**, **SR 25**, **SR 26**, **SR 27**, **HB 26**, **HB 27**, **HB 50**, **HB 172**, **HB 210**, **HB 302**, **HB 351**.
Correctly engrossed: **SB 333**, **HB 203**, **HB 224**.
Correctly enrolled: **SB 61**, **SB 62**, **SB 104**, **SB 235**, **SR 12**, **SR 13**.
Examined by the sponsor and found to be correct: **SB 61**, **SB 62**, **SB 104**, **SB 235**, **SR 12**, **SR 13**.
Transmitted to the House: **HB 82**, **HB 89**, **HB 136**, **HB 305**, **HB 308**, **HB 337**, **HB 356**, **HB 389**.
Signed by the Secretary of the Senate at 4:05 p.m., March 13, 2013: **SB 61**, **SB 62**, **SB 104**, **SB 235**, **SR 12**, **SR 13**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 3/12/2013
SB 226, do pass. Report adopted.
HB 399, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 3/12/2013
HB 203, be amended as follows:

1. Title, page 1, line 5.
Following: "AID"
Strike: "INCLUDING AN INFLATIONARY ADJUSTMENT"

2. Page 2, line 25.
Following: "(2)"
Strike: "(a)"
Following: "for"
Insert: "each"

3. Page 2, line 26.
Strike: "2014"

Strike: "30"
Insert: "40"

4. Page 2, line 27 through page 3, line 6.
Following: "census." on line 27
Strike: remainder of line 27 through "labor." on page 3, line 6

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/12/2013
HB 163, be concurred in. Report adopted.
HB 170, be concurred in. Report adopted.
HB 247, be concurred in. Report adopted.
HB 273, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/12/2013
HB 347, be concurred in. Report adopted.
HB 367, be concurred in. Report adopted.
HB 422, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/12/2013
HB 224, be amended as follows:

1. Page 1, line 12.
Following: "exceed"

Strike: "the" on line 12 through "following amounts" on line 13
Insert: "$50 million"

2. Page 1, line 13.
Strike: ":"
Insert: "."

3. Page 1, line 14.
Strike: line 14 through line 16

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/13/2013
HB 225, be concurred in. Report adopted.
HB 330, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 3/12/2013
SR 8, **preliminary report**, be adopted. Report adopted.

SJR 20, do pass. Report adopted.
HB 280, be concurred in. Report adopted.
HB 333, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

JOINT SELECT COMMITTEE ON PENSIONS (Lewis, Chair): 3/12/2013
SB 333, be amended as follows:

1. Page 18, line 9.
Strike: "4.5%"
Insert: "4%"

2. Page 18, line 14.
Strike: "employment"
Insert: "service"

3. Page 19, line 1 through line 2.
Strike: "A" on line 1 through "to a" on line 2
Insert: "The"

4. Page 19, line 3.
Strike: "that"
Insert: "for a vested member"

5. Page 19, line 14.
Strike: "entitled" through "[section 25]"
Insert: "at least 60 years of age"

6. Page 19, line 17.
Strike: "employment"
Insert: "service"

7. Page 19, line 20.
Following: "**retirement**"
Insert: "**-- rulemaking**"

8. Page 19, line 20 through line 26.
Strike: "(1)" on line 20 through line 26 in its entirety
Insert: "(1) If a member receiving an annuity under [section 26] is reemployed in a covered position, the member's annuity payments must be terminated.

(2) The board shall adopt rules specifying the extent to which a member may redeposit amounts received by the member under [section 26]. If a member makes a redeposit, the member must receive membership service credit proportional to the amount redeposited.

(3) The amount redeposited and the interest credited are not eligible for the percentage match under [section 25(2)]."

9. Page 36, line 26.
Strike: "4.5%"
Insert: "4%"

10. Page 37, line 20 through line 21.
Strike: "A" on line 20 through "to a" on line 21
Insert: "The"

11. Page 37, line 22.
Strike: "that"
Insert: "for a vested member"

12. Page 38, line 3.
Strike: "entitled" through "[section 47]"
Insert: "at least 60 years of age"

13. Page 38, line 10.
Following: "**retirement**"
Insert: "**-- rulemaking**"

14. Page 38, line 10 through line 16.
Strike: "(1)" on line 10 through line 16 in its entirety
Insert: "(1) If a member receiving an annuity under [section 48] is reemployed in a covered position, the member's annuity payments must be terminated.

(2) The board shall adopt rules specifying the extent to which a member may redeposit amounts received by the member under [section 48]. If a member makes a redeposit, the member must receive membership service credit proportional to the amount redeposited.

(3) The amount redeposited and the interest credited are not eligible for the percentage match under [section 47(2)]."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/12/2013

SB 61, introduced by Ripley
SB 62, introduced by Ripley
SB 104, introduced by Webb
SB 235, introduced by Buttrey

House bill passed and transmitted to the Senate for concurrence: 3/12/2013

HB 403, introduced by Hill

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 28, introduced by Brenden (by request of the Senate Fish and Game Standing Committee), referred to Fish and Game.
SR 29, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 30, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 31, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 32, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 33, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tutvedt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 205 - Senator Vincent moved consideration of **HB 205** be passed for the day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 29

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 463 - Senator Vuckovich moved **HB 463** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 34

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, Jent, Kaufmann, Malek, Phillips, Priest, Rosendale, Sales, Stewart-Peregoy, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 317 - Senator Arntzen moved **HB 317** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 318 - Senator Facey moved **HB 318** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown,

Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 46

Nays: Barrett Debby, Jergeson, Priest.
Total 3

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 270 - Senator Sonju moved **HB 270** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 59 - Senator Keane moved **HB 59** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 38

Nays: Arthun, Barrett Debby, Brenden, Moore, Ripley, Sales, Taylor, Vincent, Walker, Webb, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 252 - Senator Jent moved **HB 252** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 40

Nays: Brenden, Jones, Lewis, Moore, Rosendale, Sales, Walker, Webb, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Debby Barrett presiding. Chair Tutvedt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 26 failed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Larsen, Moore, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 26

Paired: , Mr. President, Aye; Vincent, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 27 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 172 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 302 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 50 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SB 41, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Fielder, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 19

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SPECIAL ORDERS OF THE DAY

SR 18 - Senator Sonju moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 18**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SR 19 - Senator Sonju moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 19**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, March 14, 2013, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President Pro Tempore of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 14, 2013 — State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Debby Barrett presiding. Invocation by Reverend Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Priest and Mr. President, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/14/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-first through forty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 226**, **SJR 20**, **SR 8**, **SR 28**, **SR 29**, **SR 30**, **SR 31**, **SR 32**, **SR 33**, **HB 59**, **HB 163**, **HB 170**, **HB 225**, **HB 247**, **HB 273**, **HB 280**, **HB 317**, **HB 330**, **HB 333**, **HB 347**, **HB 367**, **HB 399**, **HB 422**, **HB 463**.
Correctly engrossed: **HB 146**, **HB 217**, **HB 252**, **HB 270**, **HB 296**, **HB 318, HB 351**.
Correctly enrolled: **SB 41**, **SB 86**, **SB 211**, **SB 213**, **SR 18**, **SR 19**.
Examined by the sponsor and found to be correct: **SR 18**, **SR 19**.
Transmitted to the House: **HB 27**, **HB 50**, **HB 172**, **HB 302**.
Signed by the Secretary of the Senate at 2:30 p.m., March 14, 2013: **SR 18**, **SR 19**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 3/13/2013
SB 348, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 3/13/2013
SJR 14, do pass. Report adopted.
HB 146, be amended as follows:

1. Title, line 6 through line 8.
Strike: "PROHIBITING" on line 6 through "REQUESTED;" on line 8

2. Page 1, line 18.
Strike: "<u>except as provided in subsection (2)(b),</u>"

3. Page 1, line 20 through line 21.
Strike: "<u>through</u>" on line 20 through "<u>applicant.</u>" on line 21
Insert: "until the license is issued or denied;"

4. Page 1, line 22.
Strike: "except as provided in subsection (2)(a),"

5. Page 1, line 23.
Following: "renewal"
Insert: "."
Strike: "and that is"
Insert: "The initial annual fee year for a new facility commences on the date that the facility initially receives waste. The fee must be"

6. Page 1, line 27.
Strike: "; and"
Insert: "."

7. Page 1, line 29 through page 2, line 2.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

HB 245, be concurred in. Report adopted.
HB 368, be concurred in. Report adopted.
HB 371, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/13/2013
SR 10, be adopted. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/13/2013
HB 217, be amended as follows:

1. Page 8, line 30.
Strike: "13-1-107(7)(b)(iii)"
Insert: "13-1-101(7)(b)(iii)"

And, as amended, be concurred in. Report adopted.

HB 251, be concurred in. Report adopted.
HB 296, be amended as follows:

1. Page 2, line 8.
Following: "(7)"
Insert: "(a)"

2. Page 2, following line 11.

Insert: "(b) The election official may not conduct the process described in subsection (7)(a) on a Saturday or a Sunday."

3. Page 2, line 28.
Following: "(b)"
Insert: "if the process authorized under 13-13-241(7) was not used,"

4. Page 3, line 1.
Strike: "no sooner" through "election day"
Insert: "before the polls close"

And, as amended, be concurred in. Report adopted.

HB 325, be concurred in. Report adopted.
HJR 2, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/13/2013
SR 16, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/13/2013

SB 86, introduced by F. Moore
SB 211, introduced by F. Moore
SB 213, introduced by Larsen

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
3/13/2013

SB 40, introduced by Buttrey
SB 101, introduced by Facey
SB 120, introduced by Buttrey

House bill passed and transmitted to the Senate for concurrence: 3/13/2013

HB 498, introduced by Hill

MOTIONS

Senator Buttrey moved **HB 497** be moved from the Local Government committee to the Judiciary committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 385, introduced by Priest, D. Brown, Taylor, Windy Boy, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Windy Boy in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 376 - Senator Jent moved **SB 376** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

HB 469 - Senator Jackson moved consideration of **HB 469** be passed for the day. Without objection, so ordered.

HB 351 - Senator Larsen moved **HB 351** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

HB 206 - Senator Murphy moved **HB 206** be concurred in.

HB 206 - Senator Murphy moved **HB 206**, second reading copy, be amended as follows:

1. Page 1, line 21.
Following: "."
Insert: "In cases in which judgment is entered by default, no charge except the fee provided in subsection (1) for the filing of the complaint may be made for any services, including issuing and return of execution."

Amendment **not** adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Brenden, D. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Wanzenried, Webb.
Total 23

Nays: Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Walker, Windy Boy, Wittich.
Total 25

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

HB 206 - Thereupon, the Senate reverted to the original motion of Senator Murphy which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 43

Nays: Caferro, Driscoll, Tropila, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Debby Barrett presiding. Chair Windy Boy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 42

Nays: Brenden, Caferro, Ripley, Rosendale, Sales, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

MOTIONS

Senator Arthun moved **SB 333** be moved from the Joint Select Committee on Pensions to the State Administration committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 463 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey,

Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.
Total 36

Nays: Barrett Dick, Blewett, Brenden, Jent, Kaufmann, Malek, Phillips, Sales, Stewart-Peregoy, Walker, Wanzenried, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

HB 317 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

HB 318 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 46

Nays: Jergeson, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

HB 270 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

HB 59 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 38

Nays: Arthun, Brenden, D. Brown, Moore, Sales, Sonju, Vincent, Walker, Webb, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

HB 252 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown,

Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 36

Nays: Boulanger, Brenden, Jones, Moore, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: Priest, Mr. President.
Total 2

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, March 15, 2013, the fifty-sixth legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President Pro Tempore of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 15, 2013 — State Capitol

Senate convened at 1:01 p.m. President Pro Tempore Debby Barrett presiding. Invocation by Reverend Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Mr. President, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/15/2013

Correctly printed: **SB 348**, **SB 376**, **SB 385**, **SJR 14**, **SR 16**, **HB 206**, **HB 245**, **HB 251**, **HB 325**, **HB 368**, **HB 371**, **HJR 2**.
Correctly engrossed: **SB 260**, **HB 22**, **HB 65**, **HB 256**, **HB 273**, **HB 347**, **HB 367**, **HB 399**, **HB 469**.
Correctly enrolled: **SB 12**, **SB 23**, **SB 92**, **SB 145**, **SR 10**, **SJR 3**, **SJR 6**.
Examined by the sponsor and found to be correct: **SB 12**, **SB 23**, **SB 41**, **SB 86**, **SB 92**, **SB 145**, **SB 211**, **SB 213**, **SJR 3**, **SJR 6**.
Transmitted to the House: **HB 59**, **HB 252**, **HB 270**, **HB 317**, **HB 318**, **HB 463**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/15/2013
HB 22, be amended as follows:

1. Title, page 1, line 20.
Following: "BUSINESS;"
Insert: "ELIMINATING THE REQUIREMENT THAT INSURERS AND HEALTH SERVICE CORPORATIONS OFFER GROUP UNIFORM HEALTH BENEFIT COVERAGE;"

2. Title, page 1, line 22.
Strike: "33-20-509, 33-20-903,"

3. Page 20, line 26 through page 21, line 28.
Strike: sections 17 and 18 in their entirety
Renumber: subsequent sections

4. Page 1, line 23.
Following: "MCA;"
Insert: "REPEALING SECTION 33-22-522, MCA;"

5. Page 31.
Following: line 22

Insert: "NEW SECTION. **Section 22. Repealer.** The following section of the Montana Code Annotated is repealed:
33-22-522. Uniform health benefit plan -- group."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 65, be amended as follows:

1. Title, page 1, lines 17 through 19.
Strike: "PROVIDING" on line 17 through "ACT;" on line 19

2. Page 2, lines 11 through 13.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

3. Page 3, line 15.
Strike: "to immediate family members"

4. Page 10, line 26 through page 11, line 3.
Strike: section 15 in its entirety
Renumber: subsequent sections

5. Page 11, line 11.
Strike: "[Sections 14 and 15] are"
Insert: "[Section 14] is"

6. Page 11, line 12.
Strike: "[sections 14 and 15]"
Insert: "[section 14]"

And, as amended, be concurred in. Report adopted.

HB 232, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 3/14/2013
HB 226, be concurred in. Report adopted.
HB 256, be amended as follows:

1. Page 2, line 20.
Following: "availability of the"
Insert: "draft"

2. Page 2, line 21 through line 22.
Strike: "required" on line 21 through "(5)(a)" on line 22

Insert: "the department's preferred alternative facility siting corridor"

3. Page 2, line 22.
Strike: "The"
Insert: "No more than 60 days prior to the availability of the draft environmental review, the"
Strike: "EACH"
Insert: "the"
Strike: "OWNER"
Insert: "owners"

4. Page 2, line 23.
Strike: "The"
Insert: "Except as provided in subsection (5)(c), the"

5. Page 2, line 24.
Strike: "certified"
Insert: "first-class"

6. Page 2, line 26.
Following: "within the"
Insert: "department's preferred alternative"

7. Page 2.
Following: line 30
Insert: "(c) If there is more than one name listed on the property tax rolls for a single property, the notice must be mailed to the first listed property owner at the address on the property tax rolls.

(d) By mailing the notice as provided in subsection (5)(c), the notice requirements in subsection (5)(b) are satisfied."
Renumber: subsequent subsections

8. Page 3, line 2.
Following: "75-20-301."
Insert: "If the department determines that it will select a facility siting corridor that is completely or partially different from the preferred alternative facility siting corridor described in the draft environmental review, it shall, before issuing the certificate, provide notice of its intended facility siting corridor and an opportunity to comment to property owners within the 1-mile-wide facility siting corridor that deviates from the preferred alternative. Property owners must be determined and notice must be given in the same manner as provided in subsection (5)(b)."

And, as amended, be concurred in. Report adopted.

HJR 11, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/14/2013
SB 260, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "FOR"
Insert: "CERTAIN"

2. Page 1, line 20 through line 21.
Strike: "large predator, as defined in 87-1-217,"
Insert: "mountain lion"

3. Page 1, line 22.
Strike: "number"
Insert: "commission may designate the percentage"

4. Page 1, line 23.
Following: "area"
Insert: ","
Strike: "may"
Following: "not"
Insert: "to"
Strike: "35%"
Insert: "20%"

And, as amended, do pass. Report adopted.

HB 278, be concurred in. Report adopted.
HB 360, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/14/2013
SR 15, be adopted. Report adopted.

JUDICIARY (Murphy, Chair): 3/15/2013
HB 16, be concurred in. Report adopted.
HB 72, be concurred in. Report adopted.
HB 140, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/14/2013

SB 12, introduced by Lewis
SB 23, introduced by Rosendale

SB 92, introduced by Olson
SB 145, introduced by F. Moore

Senate joint resolutions concurred in and returned to the Senate: 3/14/2013

SJR 3, introduced by Murphy
SJR 6, introduced by Olson

House bill passed and transmitted to the Senate for concurrence: 3/14/2013

HB 542, introduced by Curtis

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 386, introduced by Facey, referred to Local Government.
SB 387, introduced by Debby Barrett, referred to Judiciary.
SB 388, introduced by Hamlett, Olson, Rosendale, referred to Taxation.
SB 389, introduced by Hamlett, Larsen, Olson, Rosendale, Sesso, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 403, introduced by Hill, Murphy, referred to Judiciary.
HB 498, introduced by Hill, Noonan, referred to State Administration.
HB 542, introduced by Curtis, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Augare in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 469 - Senator Jackson moved **HB 469** be concurred in.

HB 469 - Senator Wittich moved **HB 469**, second reading copy, be amended as follows:

1. Page 1, line 9.
Following: "**disputes.**"
Insert: "(1)"

2. Page 1, line 12.
Insert: "(2) The provisions of subsection (1) do not prohibit a party from substituting a bond for the construction lien as provided in 71-3-551. Upon the filing of the bond, the construction lien is discharged as provided in 71-3-552. The parties may continue with arbitration if they agree to do so."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 469 - Senator Jackson moved **HB 469**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 399 - Senator Sales moved **HB 399** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich.
Total 44

Nays: Blewett, Sales, Sesso, Vuckovich, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 273 - Senator Van Dyk moved **HB 273** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 347 - Senator Buttrey moved **HB 347** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 367 - Senator Keane moved **HB 367** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 45

Nays: Sonju, Vincent, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 224 - Senator Buttrey moved **HB 224** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 48

Nays: Tropila.
Total 1

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 330 - Senator Jent moved **HB 330** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 333 - Senator Jergeson moved **HB 333** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SJR 20 - Senator Webb moved **SJR 20** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 44

Nays: Keane, Ripley, Rosendale, Sesso, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Debby Barrett presiding. Chair Augare moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 376 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 351 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 206 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 36

Nays: Boulanger, Caferro, Driscoll, Larsen, Priest, Sales, Sesso, Sonju, Tropila, Vincent, Walker, Webb, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

SPECIAL ORDERS OF THE DAY

SR 10 - Senator Vincent moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 10**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, March 16, 2013, the fifty-seventh legislative day. Motion carried.

Senate adjourned at 1:49 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President Pro Tempore of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 16, 2013 — State Capitol

Senate convened at 8:00 a.m. President Pro Tempore Debby Barrett presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brenden, Caferro, Jent, Priest, Wanzenried, Webb, and Mr. President, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/16/2013

Correctly printed: **SB 386**, **SB 387**, **SB 388**, **SB 389**, **SJR 20**, **SR 15**, **HB 16**, **HB 72**, **HB 140**, **HB 224**, **HB 226**, **HB 232**, **HB 278**, **HB 330**, **HB 333**, **HB 360**, **HJR 11**.
Examined by the sponsor and found to be correct: **SR 10**.
Transmitted to the House: **SB 376**, **HB 206**, **HB 351**.
Signed by the Secretary of the Senate at 7:15 a.m., March 16, 2013: **SB 12**, **SB 23**, **SB 41**, **SB 86**, **SB 92**, **SB 145**, **SB 211**, **SB 213**, **SJR 3**, **SJR 6**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 3/14/2013
HJR 12, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 3/15/2013
HB 162, be amended as follows:

1. Page 1, line 11.
Strike: "insurance providing"
Following: "benefits"
Insert: "coverage"

2. Page 1, line 14.
Following: line 13
Insert: "(2) The department shall comply with the Montana Procurement Act, Title 18, chapter 4, prior to offering as an optional health plan a high-deductible health plan with a health savings account."
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/15/2013
HB 91, be concurred in. Report adopted.
HB 105, be concurred in. Report adopted.
HB 110, be concurred in. Report adopted.
HB 124, be concurred in. Report adopted.
HB 125, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/15/2013

SB 3, introduced by Essmann
SB 21, introduced by Arthun
SB 35, introduced by Keane
SB 44, introduced by Keane
SB 55, introduced by Kaufmann

Senate joint resolutions concurred in and returned to the Senate: 3/15/2013

SJR 4, introduced by Keane
SJR 8, introduced by Larsen

House bills passed and transmitted to the Senate for concurrence: 3/15/2013

HB 3, introduced by Ankney
HB 402, introduced by Hunter
HB 566, introduced by Woods

Senators Caferro and Jent present at this time.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 226 - Senator F. Moore moved **SB 226** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

Senators F. Moore and Peterson expressed a conflict of interest before voting.

SB 348 - Senator Thomas moved **SB 348** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 36

Nays: Arthun, Boulanger, Ripley, Rosendale, Sales, Sonju, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 422 - Senator Buttrey moved **HB 422** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 45

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 245 - Senator Boulanger moved **HB 245** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Windy Boy, Wittich.
Total 41

Nays: T. Brown, Moore, Sales, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 368 - Senator Malek moved **HB 368** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 43

Nays: Caferro, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 371 - Senator Taylor moved **HB 371** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Windy Boy.
Total 39

Nays: Caferro, Keane, Sales, Sonju, Walker, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

SJR 14 - Senator Olson moved **SJR 14** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 43

Nays: Caferro, Tropila.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HJR 2 - Senator Buttrey moved **HJR 2** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 40

Nays: Ripley, Sales, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

SB 40 - **House Amendments** - Senator Buttrey moved House amendments to **SB 40** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 44

Nays: Phillips.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

SB 101 - **House Amendments** - Senator Facey moved House amendments to **SB 101** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy.
Total 44

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

Senator Wittich moved the committee rise and report. Motion carried. Committee arose.

Senate resumed. President Pro Tempore Debby Barrett presiding. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 44

Nays: Rosendale.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 399 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 273 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 347 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 44

Nays: Tropila.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 367 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 38

Nays: Boulanger, Ripley, Sales, Sonju, Vincent, Walker, Wittich.
Total 7

Absent or not voting: None.

Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 224 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 44

Nays: Tropila.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 330 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

HB 333 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones,

Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

SJR 20 passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Windy Boy.
Total 33

Nays: Arthun, Boulanger, D. Brown, Fielder, Keane, Ripley, Rosendale, Sesso, Sonju, Taylor, Vincent, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Vincent, Chair): 3/15/2013
HB 291, be amended as follows:

1. Title, page 1, line 4.
Strike: "AND"

2. Title, page 1, line 5.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

Following: line 21
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 359, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Murphy, Vice Chair): 3/15/2013
SR 8, be adopted. Report adopted.

SPECIAL ORDERS OF THE DAY

SR 15 - Senator Arntzen moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 15**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Windy Boy, Wittich.
Total 38

Nays: Boulanger, Jackson, Lewis, Sales, Sonju, Taylor, Vincent.
Total 7

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

SR 16 - Senator Tutvedt moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 16**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 44

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden, Priest, Wanzenried, Webb, Mr. President.
Total 5

Senator Taylor thanked the remaining pages for their service this week.

MOTIONS

Senator Walker moved to change his vote on **HB 245** from No to Yes. The motion carried.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, March 18, 2013, the fifty-eighth legislative day. Motion carried.

Senate adjourned at 9:08 a.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President Pro Tempore of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 18, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare, Hamlett, and Walker, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/18/2013

Correctly printed: **SB 226**, **SB 348**, **SJR 14**, **HB 91**, **HB 105**, **HB 110**, **HB 124**, **HB 125**, **HB 245**, **HB 359**, **HB 368**, **HJR 2**, **HJR 12**.
Correctly engrossed: **SR 8**, **HB 12**, **HB 79**, **HB 162**, **HB 291**, **HB 371**, **HB 422**.
Correctly enrolled: **SB 3**, **SB 21**, **SB 35**, **SB 44**, **SB 55**, **SB 71**, **SB 77**, **SB 142**, **SB 252**, **SJR 4**, **SJR 8**.
Transmitted to the House: **SJR 20**, **HB 224**, **HB 273**, **HB 330**, **HB 333**, **HB 347**, **HB 367**, **HB 399**.
Signed by the Secretary of the Senate at 9:35 a.m., March 18, 2013: **SR 10**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 3/15/2013
HB 12, be amended as follows:

1. Page 2, line 14.
Strike: "ONE-TIME"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/15/2013
HB 79, be amended as follows:

1. Page 4, line 15.
Strike: "FOR" through "insurance."
Insert: "YES on Constitutional Amendment No. ___"

2. Page 4, line 16 through line 17.
Strike: "AGAINST" on line 16 through "insurance." on line 17
Insert: "NO on Constitutional Amendment No. ___"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/16/2013

SB 49, introduced by Ripley
SB 71, introduced by Tropila
SB 77, introduced by Brenden
SB 142, introduced by Wanzenried
SB 252, introduced by Rosendale

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/16/2013

SB 189, introduced by Webb

House bills passed and transmitted to the Senate for concurrence: 3/16/2013

HB 11, introduced by Gibson
HB 573, introduced by Hagan
HB 583, introduced by Cook

Senator Walker present at this time.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 390, introduced by Kaufmann, referred to Highways and Transportation.
SB 391, introduced by Kaufmann, Larsen, Lewis, referred to Public Health, Welfare and Safety.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 34, introduced by Thomas, Arntzen, Augare, Debby Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Essmann, Fielder, Jackson, L. Jones, Keane, Lewis, F. Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 3, introduced by Ankney (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 402, introduced by Hunter, Arntzen, Arthun, Augare, Blasdel, Boland, Brenden, D. Brown, Buttrey, Clark, Cook, Fitzpatrick, Greef, Hill, Hollenbaugh, Ingraham, Jackson, Malek, McChesney, McNally, Neill, O'Hara, Olson, Pierson, Pomnichowski, Priest, Ripley, Steenberg, Thomas, Tutvedt, Wanzenried, Welborn, Williams, Wittich, referred to Business, Labor, and Economic Affairs.
HB 566, introduced by Woods, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 22 - Senator Facey moved **HB 22** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 37

Nays: Boulanger, Brenden, Fielder, Priest, Ripley, Rosendale, Sales, Vincent, Walker, Webb, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Augare, Hamlett.
Total 2

HB 65 - Senator Facey moved **HB 65** be concurred in. Motion carried as follows:

Yeas: Barrett Debby, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Arntzen, Arthun, Boulanger, Brenden, D. Brown, Buttrey, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Vincent, Walker, Webb, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Augare, Hamlett.
Total 2

Senator Windy Boy expressed a conflict of interest before voting on **HB 65**.

Senator Hamlett present at this time.

HB 256 - Senator L. Jones moved **HB 256** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Priest.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HJR 11 - Senator Walker moved **HJR 11** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 163 - Senator Facey moved **HB 163** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 170 - Senator Facey moved **HB 170** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Kaufmann, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 360 - Senator Peterson moved **HB 360** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 140 - Senator Driscoll moved **HB 140** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 251 - Senator D. Brown moved **HB 251** be concurred in. Motion **failed** as follows:

Yeas: Arthun, Blewett, D. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Murphy, Phillips, Ripley, Sales, Sesso, Taylor, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb.
Total 23

Nays: Arntzen, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Caferro, Fielder, Hamlett, Jergeson, Lewis, Malek, Moore, Olson, Peterson, Priest, Rosendale, Sonju, Stewart-Peregoy, Thomas, Tropila, Vincent, Walker, Windy Boy, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 251 - Senator Wittich moved **HB 251** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Caferro, Fielder, Hamlett, Jent, Jergeson, Jones, Lewis, Malek, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 34

Nays: Arntzen, Blewett, D. Brown, Buttrey, Driscoll, Facey, Jackson, Kaufmann, Keane, Larsen, Murphy, Phillips, Sesso, Van Dyk, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 296 - Senator D. Brown moved **HB 296** be concurred in. Motion **failed** as follows:

Yeas: Arthun, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Larsen, Malek, Murphy, Phillips, Ripley, Sales, Sesso, Tutvedt, Van Dyk, Wanzenried.
Total 22

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jones, Keane, Lewis, Moore, Olson, Peterson, Priest, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 296 - Senator Wittich moved **HB 296** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jones, Keane, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 28

Nays: Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Larsen, Malek, Murphy, Phillips, Sales, Sesso, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 21

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 325 - Senator Van Dyk moved **HB 325** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Brenden, Rosendale, Sales, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Blewett, D. Brown, Van Dyk, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 469 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Kaufmann, Larsen, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried.
Total 13

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 226 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 348 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: Boulanger, Priest, Rosendale, Sales, Sonju, Tutvedt, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 422 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 48

Nays: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 245 concurred in as follows:

Yeas: Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 38

Nays: Arntzen, Brenden, D. Brown, Moore, Priest, Ripley, Sales, Sonju, Vincent, Webb, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 368 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Caferro, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 371 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 41

Nays: Caferro, Keane, Priest, Sales, Walker, Webb, Wittich, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SJR 14 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown,

Buttrey, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Blewett, Caferro, Fielder, Kaufmann, Larsen, Sesso, Tropila, Vincent, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HJR 2 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy.
Total 35

Nays: Barrett Debby, Brenden, D. Brown, Fielder, Jones, Priest, Ripley, Sales, Taylor, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 40, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Blewett, Facey, Jent, Kaufmann, Malek, Murphy, Phillips, Sesso, Tropila, Van Dyk, Wanzenried.
Total 11

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

MOTIONS

Senator Ripley moved **HB 170** be moved to the Finance and Claims committee. Without objection, so ordered.

Senator Ripley moved **HB 256** be moved to the Finance and Claims committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced pages for this week:

Ben Dealton, Billings
Mirranda Gower, Townsend
Seth Jaksha, Butte
Sean Kiely, Helena
Connor Lawson, Billings

Additional pages will join the Senate tomorrow.

SR 8 - Senator Priest moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 8**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, March 19, 2013, the fifty-ninth legislative day. Motion carried.

Senate adjourned at 2:33 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 19, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Windy Boy, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/19/2013

Correctly printed: **SB 390**, **SB 391**, **SR 34**, **HB 22**, **HB 65**, **HB 140**.
Correctly engrossed: **HB 163**, **HB 325**, **HB 360**, **HJR 11**.
Correctly enrolled: **SB 40**, **SB 49**, **SB 146**, **SB 225**, **SR 8**, **SR 15**, **SR 16**.
Examined by the sponsor and found to be correct: **SB 3**, **SB 21**, **SB 35**, **SB 44**, **SB 55**, **SB 71**, **SB 77**, **SB 142**, **SB 252**, **SJR 4**, **SJR 8**.
Transmitted to the House: **SB 226**, **SB 348**, **SJR 14**, **HB 245**, **HB 368**, **HB 371**, **HB 422**, **HB 469**, **HJR 2**.
Signed by the President at 4:10 p.m., March 19, 2013: **SB 12**, **SB 23**, **SB 41**, **SB 61**, **SB 62**, **SB 86**, **SB 92**, **SB 104**, **SB 145**, **SB 211**, **SB 213**, **SB 235**, **SJR 3**, **SJR 6**, **SR 10**, **SR 12**, **SR 13**, **SR 18**, **SR 19**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/19/2013
HB 184, be concurred in. Report adopted.
HB 187, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"
Insert: "PROVIDING FOR DOCUMENTATION;"

2. Title, page 1, line 7.
Strike: "AND"
Following: "39-3-406,"
Insert: "AND 87-6-702,"
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE"

3. Page 1, line 14.
Following: "employment as"
Strike: "determined"

Insert: "provided in 37-47-404(4)(b) pending adoption of proof of employment"
Following: "board"
Insert: "by rule"

4. Page 1, line 15.
Following: "(4)"
Insert: "(a)"
Following: "EMPLOYS"
Insert: "or retains"

5. Page 1, line 16.
Following: "ASSISTANT"
Strike: "IS"
Insert: ": (i) safeguards the public health, safety, and welfare while providing services; and (ii) is qualified and"
Following: "GUIDE."
Insert: "(b) The board shall hold an outfitter who employs or retains an outfitter's assistant responsible under the provisions of 37-1-316, 37-47-341, and 37-47-402 for any acts or omissions by the outfitter's assistant in the ordinary course and scope of duties assigned by the outfitter."

6. Page 1, line 17.
Following: "employed"
Insert: "or retained"

7. Page 1, line 19.
Following: "ROUTINE"
Insert: "for purposes of 37-1-101"

8. Page 1, line 21.
Following: "EMPLOYED"
Insert: "or retained"

9. Page 1, line 23.
Following: "EMPLOYED"
Insert: "or retained"

10. Page 1, line 26.
Following: "ROUTINE"
Insert: "for purposes of 37-1-101"

11. Page 1, line 30.
Following: "employed"
Insert: "or retained"

12. Page 3, line 3.
Following: "employed"
Insert: "or retained"

13. Page 4, line 5.
Following: "specifying"
Insert: "standards for outfitter's assistants"
Following: "employment"
Insert: "or retention"
Following: "assistants."
Insert: "The rules may also identify data that may be collected regarding use of outfitter's assistants."

14. Page 4, line 23.
Following: "professional guide"
Insert: "or by an unlicensed outfitter's assistant"

15. Page 5.
Following: line 25
Insert: "(4) (a) Except as provided in subsection (4)(b), an outfitter may not place a hired or retained outfitter's assistant in a position of providing services to participants until the outfitter has documentation as specified by board rule under 37-47-201(4)(e).

(b) (i) Prior to adoption of the rules, an outfitter may use temporary documentation to place a hired or retained outfitter's assistant in a position of providing services to participants. The temporary documentation must be mailed to the board within the time period of the outfitter's assistant's service, and a copy must be provided to the outfitter's assistant. The outfitter's assistant shall carry the temporary documentation at all times in the field.

(ii) The temporary documentation must include the following:

(A) the outfitter's name, license number, and contact information;

(B) the outfitter's assistant's name and home address and the starting date and expiration date for the period of service;

(C) a brief explanation of why an emergency replacement is needed; and

(D) the outfitter's signature, which must be on the original and on the copy of the temporary documentation and must affirm the provisions in this subsection (4)(b)(ii).

(iii) The outfitter shall collect the temporary documentation from the outfitter's assistant after the period of service.

(iv) The temporary documentation may not be used after adoption of the rules under 37-47-201(4)(e)."

16. Page 9.
Following: line 23
Insert: "Section 9. Section 87-6-702, MCA, is amended to read:

"87-6-702. Outfitting without ~~a~~ license. (1) (a) A person may not purposely or knowingly engage in outfitting while not licensed pursuant to Title 37, chapter 47, or purposely or knowingly violate a licensing rule adopted under Title 37, chapter 47.

(b) A person convicted of a violation of subsection (1)(a) is punishable by a fine of not less than $200 or more than $1,000 or imprisonment in the county jail for up to 1 year, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for a period set by the court. A sentencing court that imposes a period of license revocation shall consider the provisions of subsection (3).

(2) (a) A person or entity that represents to any other person, any entity, or the public that the person or entity is an outfitter and who commits the offense of outfitting without a license, as described in subsection (1)(a), for any portion of 5 or more days for consideration within 1 calendar year for any person or for consideration valued in excess of $5,000 is punishable by a fine of not more than $50,000 or imprisonment in the state prison for up to 5 years, or both.

(b) A person convicted of a violation of subsection (2)(a) shall forfeit any current hunting, fishing, or trapping license or permit issued by this state and the privilege to hunt, fish, or trap in this state for a minimum of 5 years. A sentencing court that imposes a period of license revocation shall consider the provisions of subsection (3).

(3) A sentencing court that imposes a period of license revocation pursuant to subsection (1)(b) or (2)(b) shall consider and may impose any of the following conditions during the period of revocation:

(a) prohibiting the offender from:

(i) participating in any hunting, fishing, or trapping endeavor as a hunter, angler, trapper, scout, guide, observer, or assistant;

(ii) brokering or participating in any lease of property for hunting, fishing, or trapping, either personally or through an agent or representative;

(iii) participating in any seminar or show that is designed to promote hunting, fishing, or trapping;

(iv) purchasing or possessing any hunting, fishing, or trapping permits; and

(b) imposing any other reasonable condition or restriction that is related to the crime committed or that is considered necessary for the rehabilitation of the offender or for the protection of the citizens or wildlife of this state.

(4) A person convicted of a violation of this section shall reimburse the full amount of any fees received to the person to whom illegal outfitting services were provided.

(5) As used in this section, the following definitions apply:

(a) "Consideration" means remuneration given in exchange for outfitting services supplied based on a business relationship between parties, but not including reimbursement for shared trip expenses.

(b) (i) "Outfitting" means providing hunting or fishing services for consideration, including any saddle or pack animal, facilities, camping equipment, personal service, or vehicle, watercraft, or other conveyance for any person to hunt, fish, trap, capture, take, kill, or pursue any game, including fish. The term includes accompanying that person, either part or all of the way, on an expedition for any of these purposes or supervision of a licensed guide or professional guide in accompanying that person.

(ii) The term does not include:

(A) services provided by an outfitter's assistant who has documentation as provided in 37-47-404(4); or

(B) the provision of the services listed in subsection (5)(b)(i) by a person on real property that the person owns for the primary pursuit of bona fide agricultural interests.""

Renumber: subsequent section

17. Page 9.
Following: line 27
Insert: "NEW SECTION. **Section 10. Effective date.** [This act] is effective September 1, 2013.
Insert: "NEW SECTION. **Section 11. Termination.** [This act] terminates August 31, 2015."

And, as amended, be concurred in. Report adopted.

HB 274, be amended as follows:

1. Page 3, line 23.
Following: "GUIDES,"
Insert: "and"

2. Page 3, line 23 through line 24.
Following: "SERVICES" on line 23
Strike: ", AND" on line 23 through "RULE" on line 24

3. Page 5, line 9.
Strike: "and"

4. Page 5, line 15.
Following: "~~rule~~"
Insert: "; and
(3) have been issued a valid wildlife conservation license"

5. Page 5, line 23.
Following: "~~description,~~"
Insert: "conservation license number,"

6. Page 9, lines 26 through 27.
Strike: "felony" on line 26
Strike: "multiple misdemeanor convictions or" on line 26
Strike: "violations" on line 27
Insert: "for a violation"

7. Page 13, line 11.
Following: "include"
Insert: ": (A) services provided by packers, wranglers, cooks, or other parties under the direct employment of the outfitter; or
(B)"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/18/2013
HB 168, be concurred in. Report adopted.
HB 304, be concurred in. Report adopted.
HB 510, be amended as follows:

1. Title, page 1, line 8.
Following: "~~13-1-210,~~"
Insert: "13-1-210,"
Following: "~~,~~"
Insert: ","

2. Page 1, following line 24.
Insert: "Section 1. Section 13-1-210, MCA, is amended to read:

"13-1-210. Standard application form for voter registration and absentee ballot requests. (1) The secretary of state shall establish by rule a standard application form, to be used by each election administrator, that allows an individual to apply for voter registration and to request to be added to the absentee ballot list in order to receive ballots for subsequent elections.

(2) Pursuant to 13-13-212(4), the absentee ballot application portion of the standard form must include substantially the following language and options:

Optional: I request an absentee ballot to be mailed to me for as long as I reside at the address listed:

[] for each subsequent election in which I am eligible to vote; or
[] for each subsequent federal election in which I am eligible to vote.

I understand that in order to continue to receive an absentee ballot, I must complete, sign, and return a confirmation form that will be mailed to me in January of ~~each~~ every even-numbered year.""
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/15/2013
SB 355, introduced bill, be amended as follows:

1. Page 1, line 28 through line 29.
Strike: "does not" on line 28 through "constitute" on line 29
Insert: "constitutes"

2. Page 2, line 3 through line 4.
Strike: subsection (6) in its entirety
Renumber: subsequent subsection

3. Page 2, line 8 through line 9.
Strike: subsection (b) in its entirety

Insert: "(b) subordinates the existing right to all other water rights except those that are exempt from this section and for which there has been neither a claim filed nor a judicial determination sought."

And, as amended, do pass. Report adopted.

HB 24, be amended as follows:

1. Page 40.
Following: line 24
Insert: "COORDINATION SECTION. **Section 36. Coordination instruction.** If both House Bill No. 392 and [this act] are passed and approved, then [section 1] of House Bill No. 392, amending 22-3-432, is void and 22-3-432 must be amended as follows:

"22-3-432. Antiquities permits. (1) A person may not excavate, remove, or restore any heritage property or paleontological remains on lands owned by the state without first obtaining an antiquities permit from the historic preservation officer.

(2) Antiquities permits are to be granted only after careful consideration of the application for a permit and after consultation with the appropriate state agency. Permits are subject to strict compliance with the following guidelines:

(a) Antiquities permits may be granted only for work to be undertaken by reputable museums, universities, colleges, or other historical, scientific, or educational institutions, societies, or persons with a view toward dissemination of knowledge about cultural properties, provided a permit may not be granted unless the historic preservation officer is satisfied that the applicant possesses the necessary qualifications to guarantee the proper excavation of those sites and objects that may add substantially to knowledge about Montana and its antiquities.

(b) The antiquities permit must specify that a summary report of the investigations, containing relevant maps, documents, drawings, and photographs, must be submitted to the historic preservation officer. The historic preservation officer shall determine the appropriate time period allowable between all work undertaken and submission of the summary report.

(3) ~~All~~ Except as provided in subsection (5), all heritage property and paleontological remains collected under an antiquities permit are the permanent property of the state and must be deposited in museums or other institutions within the state or loaned to qualified institutions outside the state, unless otherwise provided for in the antiquities permit.

(4) An antiquities permit is not a substitution for any other type of permit that a state agency may require for other purposes.

(5) Antiquities permits may be granted for the excavation and removal of paleontological remains at Makoshika state park for the purpose of selling the paleontological remains and using revenue from the sale to benefit Makoshika state park. Antiquities permits granted under this subsection must be used in accordance with rules adopted pursuant to [section 2(2) of House Bill No. 24]."

Insert: "COORDINATION SECTION. **Section 37. Coordination instruction.** If both House Bill No. 392 and [this act] are passed and approved, then [section 2] of House Bill No. 392, amending 23-1-102, is void and [section 2 of this act] must read as follows:

"NEW SECTION. **Section 2. Powers and duties of board -- rulemaking -- meetings.**

(1) Except as provided in subsection (2), for state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9, the board shall:

(a) set the policies and provide direction to the department for:

(i) the management, protection, conservation, and preservation of these properties, lands, and waters and their appropriate role relative to tourism and the economic health of Montana;

(ii) coordinating, integrating, promoting, and furthering opportunities for education and recreation at these sites, including but not limited to camping, hiking, snowmobiling, off-highway vehicle use, horseback riding, mountain biking, boating, and swimming;

(b) work with the commission to maintain hunting and angling opportunities on these lands and waters;

(c) establish the rules of the department governing the use of these properties and lands. The rules must be adopted in the interest of public health, public safety, public welfare, and protection of property and public resources in regulating recreation, including picnicking, camping, and swimming, and sanitation. These rules are subject to review and approval by the department of public health and human services with regard to issues of public health and sanitation before becoming effective. Copies of the rules must show that endorsement.

(d) review and approve all acquisitions or transfers of interest in these properties, lands, and waters by the department, except as provided in 87-1-209(4);

(e) review and approve the budget of the department for the administration of these properties, lands, and waters prior to its transmittal to the office of budget and program planning;

(f) review and approve construction projects that have an estimated cost of more than $5,000;

(g) work with local, state, and federal agencies to evaluate, integrate, coordinate, and promote recreational opportunities statewide; and

(h) encourage citizen involvement in management planning for these properties, lands, and waters.

(2) The board may adopt rules establishing conditions for the use of antiquities permits granted pursuant to 22-3-432(5).

(3) Pursuant to 87-1-301(1), the board does not oversee department activities related to the administration of fishing access sites.

(4) The members of the board shall hold quarterly or other meetings for the transaction of business at times and places considered necessary and proper. The meetings must be called by the presiding officer or by a majority of the board and must be held at the time and place specified in the call for the meeting. A majority of the members constitutes a quorum for the transaction of any business. The board shall keep a record of all the business it transacts. The presiding officer and secretary shall sign all orders, minutes, or documents for the board.""

Insert: "COORDINATION SECTION. **Section 38. Coordination instruction.** If both Senate Bill No. 237 and [this act] are passed and approved and if both amend 23-1-102, then the sections amending 23-1-102 are void and 23-1-102 must be amended as follows:

"23-1-102. Powers and duties of department ~~of fish, wildlife, and parks~~. (1) The department shall make a study to determine the scenic, historic, archaeologic, scientific, and recreational resources of the state. ~~The~~ Subject to 87-1-209, the department may:

(a) by purchase, lease, agreement, or acceptance of donations acquire for the state any

areas, sites, or objects that in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state ~~historical~~ historic sites~~.~~; ~~The department, with the consent of the commission, may~~

(b) with the consent of the board, acquire by condemnation, pursuant to Title 70, chapter 30, lands or structures for the purposes provided in 87-1-209(2)~~.~~; and

~~(2)~~(c) ~~The department may~~ accept in the name of the state, in fee or otherwise, any areas, sites, or objects conveyed, entrusted, donated, or devised to the state.

(2) ~~It~~ The department may accept gifts, grants, bequests, or contributions of money or other property to be spent or used for any of the purposes of this part.

(3) A contract, for any of the purposes of this part, may not be entered into or another obligation incurred until money has been appropriated by the legislature or is otherwise available. ~~If the contract or obligation pertains to acquisition of areas or sites in excess of either 100 acres or $100,000 in value, the board of land commissioners shall specifically approve the acquisition.~~

(4) The department has jurisdiction, custody, and control of all state parks, recreational areas, public camping grounds, ~~historical~~ historic sites, and monuments, except wayside camps and other public conveniences acquired, improved, and maintained by the department of transportation and contiguous to the state highway system. The department may designate lands under its control as state parks, state ~~historical~~ historic sites, or state monuments~~,~~ or by any other designation that it considers appropriate. The department may remove or change the designation of any area or portion of an area and may name or change the name of any area. The department may lease those portions of designated lands that are necessary for the proper administration of the lands in keeping with the basic purpose of this part.""

Insert: "COORDINATION SECTION. **Section 39. Coordination instruction.** If Both Senate Bill No. 344 and [this act] are passed and approved, then [section 9 of this act], amending 23-1-102, is void and 23-1-102 must be amended as follows:

"23-1-102. Powers and duties of department ~~of fish, wildlife, and parks.~~ (1) The department shall make a study to determine the scenic, historic, archaeologic, scientific, and recreational resources of the state. ~~The~~ Subject to 87-1-209, the department may:

(a) by purchase, lease, agreement, or acceptance of donations acquire for the state any areas, sites, or objects that in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state ~~historical~~ historic sites~~.~~; ~~The department, with the consent of the commission, may~~

(b) with the consent of the board, acquire by condemnation, pursuant to Title 70, chapter 30, lands or structures for the purposes provided in 87-1-209(2)~~.~~; and

~~(2)~~(c) ~~The department may~~ accept in the name of the state, in fee or otherwise, any areas, sites, or objects conveyed, entrusted, donated, or devised to the state.

(2) ~~It~~ The department may accept gifts, grants, bequests, or contributions of money or other property to be spent or used for any of the purposes of this part.

(3) A contract, for any of the purposes of this part, may not be entered into or another obligation incurred until money has been appropriated by the legislature or is otherwise available. ~~If the contract or obligation pertains to acquisition of areas or sites in excess of either 100 acres or $100,000 in value, the board of land commissioners shall specifically approve the acquisition.~~

(4) The department has jurisdiction, custody, and control of all state parks, recreational areas, public camping grounds, ~~historical~~ historic sites, and monuments, except wayside camps and other public conveniences acquired, improved, and maintained by the department of

transportation and contiguous to the state highway system. The department may designate lands under its control as state parks, state ~~historical~~ historic sites, or state monuments~~,~~ or by any other designation that it considers appropriate. The department may remove or change the designation of any area or portion of an area and may name or change the name of any area. The department may lease those portions of designated lands that are necessary for the proper administration of the lands in keeping with the basic purpose of this part.""
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 37, be amended as follows:

1. Title, page 1, line 7.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 3.
Following: line 27
Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates July 1, 2019."

3. Page 3, line 18.
Strike: "10"
Insert: "5"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 3/18/2013
SR 21, be adopted. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/18/2013
HB 38, be concurred in. Report adopted.
HB 283, be concurred in. Report adopted.
HJR 3, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/15/2013
SB 369, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "SALE"
Insert: "AT THE REQUEST OF THE LESSEE OR IMPROVEMENT OWNER"

2. Title, page 1, line 10.
Following: "SALE;"
Insert: "EXEMPTING THE SALE OF CABIN OR HOME SITE LOTS FROM THE PROVISIONS OF TITLE 75, CHAPTER 1, PARTS 1 THROUGH 3; PROVIDING RULEMAKING

AUTHORITY;"

3. Page 1, line 11.
Strike: the first "AND"
Following: "77-2-318,"
Insert: "AND 77-2-363,"

4. Page 2, line 19.
Following: the first "front"
Insert: ", except that any former cabin or home sites proposed for sale or sold by the board may possess a width less than 125 feet"

5. Page 3, line 2.
Strike: "all"
Insert: "those lands that were"
Strike: ":"
Insert: "on [the effective date of this act], at the request of a lessee or an improvement owner and with the consent of any mortgagee or other owner of an interest in the cabin or home site improvements, only if the requested sale is consistent with the board's constitutional fiduciary duty of attaining full market value and with the provisions of this part and if the sale is approved by the board."

6. Page 3, line 3 through line 7.
Strike: subsections (i), (ii), and (iii) in their entirety

7. Page 3, line 12 through line 14.
Strike: subsection (iii) in its entirety

8. Page 3, line 28.
Strike: "4"
Insert: "5"

9. Page 3, line 29.
Insert: "Section 4. Section 77-2-363, MCA, is amended to read:

"77-2-363. Land banking land sales and limitations -- sale preparation costs. (1) (a) The board may not cumulatively sell or dispose of more than 250,000 acres of state land. Seventy-five percent of the acreage cumulatively sold must be isolated parcels that do not have a legal right of access by the public. At any one time during the life of the land banking process, the board may not sell more than 20,000 acres of state land unless the board has acted to use the revenue from that land to make purchases pursuant to 77-2-364.

(b) The estimated fair market value must be determined by a Montana-licensed and Montana-certified appraiser.

(2) (a) A person bidding to purchase state land offered for sale shall 20 days prior to the day of auction deposit with the department a bid bond in the form of a certified check or cashier's check drawn on any Montana bank equal to at least 20% of the minimum sale price specified by

the department pursuant to 77-2-323(1) to guarantee the bidder's payment of the purchase price. Bid bonds submitted to secure a bid upon a parcel formerly leased as a cabin or home site need only be equal to 5% of the minimum sale price as specified by the department.

(b) If the current lessee of the land to be sold has initiated the sale as authorized by 77-2-364, the lessee may cancel the sale by giving notice to the department at least 10 days prior to the day of the auction. When the sale is canceled by the lessee, the lessee shall pay the costs incurred by the department for the preparation of the sale, including any costs incurred for preparation of documents required by 75-1-201.

(c) The department shall retain the bid bond of the successful bidder and shall return the bid bonds of the unsuccessful bidders. If the successful bidder fails to comply with the terms of the sale for any reason, the successful bidder's bid bond must be forfeited and credited to the interest and income account of the proper trust.

(3) Except for a sale that is initiated by the lessee of the parcel of land proposed for sale, prior to the proposed sale of any parcel of state land under the land banking process, the board shall give 60 days' notice of the proposed sale to the lessee of the parcel to allow the lessee sufficient time to determine whether the lessee wishes to propose an exchange of the land to the board.

(4) For a sale initiated by the board or the department, the lessee of the land must be afforded all the rights and privileges to match the high bid, as provided in 77-2-324.

(5) (a) ~~When~~ Except as provided in subsection (6), when the lessee has initiated a sale of land under this section, the lessee shall remit to the department the estimated costs of preparing the parcel for sale, including but not limited to appraisals, cultural surveys, environmental review pursuant to Title 75, chapter 1, parts 1 through 3, and land surveys, if necessary. Payment must be made within 10 days after the board has provided preliminary approval for the sale of the parcel.

(b) If the parcel is sold to the lessee, the funds remitted for the costs of the sale must be applied to the actual costs at closing. If the parcel is sold to a party other than the lessee, the funds remitted by the lessee must be refunded to the lessee and actual costs of preparing the parcel for sale must be assessed to the purchaser at closing.

(6) For the sale of a parcel formerly leased as a cabin or home site:

(a) the department shall assume the cost of the land survey; and

(b) the sale is exempt from the provisions of Title 75, chapter 1, parts 1 through 3.""

Renumber: subsequent sections

10. Page 3, line 30.
Following: "**improvements**"
Insert: "**-- rulemaking**"

11. Page 4, line 3.
Following: "land"
Insert: "and the value of any necessary access easement across existing state lands from the nearest public road. The appraisal to determine these values must be based upon comparable sales of nearby existing properties with the hypothetical condition that the state parcel to be sold is accessible for all lawful purposes. The appraisal must determine the raw undeveloped value of the parcel and the value of the permanent and immovable improvements"

12. Page 4, line 18.
Strike: "The"
Insert: "If the lessee consents to the terms and conditions of the proposed sale and the valuation of permanent and immovable improvements, the"

13. Page 4, line 25.
Following: "residence"
Insert: "that sits on a permanent foundation"

14. Page 4, line 26.
Following: "structures"
Insert: "that sit on a permanent foundation"

15. Page 4, line 27.
Following: "cabins"
Insert: "that sit on a permanent foundation"

16. Page 5, line 3.
Insert: "(4) The board may adopt rules to implement the provisions of this section."

17. Page 5, line 8.
Strike: "4"
Insert: "5"

18. Page 5, line 9.
Strike: "4"
Insert: "5"

And, as amended, do pass. Report adopted.

HB 195, be amended as follows:

1. Page 1, line 12.
Strike: "Contiguous parcels"
Insert: "Any parcel"
Strike: "qualify"
Insert: "qualifies"

2. Page 1, line 20.
Strike: "PARCELS"
Insert: "parcel"

3. Page 1, line 23.
Strike: "PARCELS HAVE"
Insert: "parcel has"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 18, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Essmann:

On Monday, March 18, 2013, I signed the following Senate bill:

Senate Bill 164 - Keane

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/18/2013

SB 146, introduced by Buttrey
SB 225, introduced by Arntzen

Senate bills concurred in and returned to the Senate: 3/19/2013

SB 2, introduced by Facey
SB 34, introduced by Caferro
SB 93, introduced by Vuckovich
SB 266, introduced by Rosendale
SB 291, introduced by Arntzen
SB 343, introduced by Arntzen
SB 356, introduced by Arntzen

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/18/2013

SB 316, introduced by Fielder

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/19/2013

SB 139, introduced by Walker
SB 165, introduced by Caferro
SB 319, introduced by Sonju

House bills passed and transmitted to the Senate for concurrence: 3/18/2013

HB 97, introduced by Wilmer
HB 153, introduced by Gibson
HB 444, introduced by Jacobson
HB 447, introduced by Peppers
HB 478, introduced by Laszloffy
HB 556, introduced by Cuffe

House bills passed and transmitted to the Senate for concurrence: 3/19/2013

HB 9, introduced by Hollandsworth
HB 101, introduced by Ehli
HB 517, introduced by Cuffe

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 392, introduced by Kaufmann, referred to Judiciary.
SB 393, introduced by Kaufmann, Caferro, referred to Public Health, Welfare and Safety.
SB 394, introduced by Wittich, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 415, introduced by Hagan, referred to Business, Labor, and Economic Affairs.
HB 450, introduced by Hagan, Knudsen, referred to Public Health, Welfare and Safety.
HB 460, introduced by Hagan, Berry, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sales in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 232 - Senator Sonju moved **HB 232** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 19

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 226 - Senator Webb moved **HB 226** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 278 - Senator Thomas moved **HB 278** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Mr. President.

Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 225 - Senator Wittich moved **HB 225** be concurred in.

HB 225 - Senator Blewett moved **HB 225**, second reading copy, be amended as follows:

1. Page 1, line 11.
Strike: "subsections (2) and (3)"
Insert: "subsection (2)"

2. Page 1, line 13.
Strike: "the rate of 10% per year"
Insert: "a rate equal to the prime rate published by the federal reserve system in its statistical release H.15 Selected Interest Rates, or in any publication that may supersede it, on the day judgment is entered, plus 2%"

3. Page 1, line 16 through line 18.
Strike: subsection (3) in its entirety

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 225 - Thereupon, the Senate reverted to the original motion of Senator Wittich which passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 291 - Senator Walker moved **HB 291** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 280 - Senator Walker moved **HB 280** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 110 - Senator Stewart-Peregoy moved **HB 110** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 27

Nays: Arthun, Barrett Debby, Boulanger, Brenden, Buttrey, Fielder, Jackson, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sales moved the Committee of the Whole report be adopted.

Senator Wanzenried made a **substitute motion** that **HB 280** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

The Senate reverted to the original motion of Chair Sales which passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 22 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Mr. President.
Total 40

Nays: Brenden, Fielder, Priest, Rosendale, Sales, Taylor, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 65 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 29

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HJR 11 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 163 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 17

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 360 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: Larsen.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 140 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 325 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Mr. President.
Total 41

Nays: Brenden, Jones, Moore, Rosendale, Sales, Taylor, Webb, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced and read first time:

SB 395, introduced by Wanzenried.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 35, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.
SR 36, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.
SR 37, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.
SR 38, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.
SR 39, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced two additional pages for this week:

Jaelin Augare, Cut Bank
Kaitlin Kolka , Colstrip

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, March 20, 2013, the sixtieth legislative day. Motion carried.

Senate adjourned at 2:48 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 20, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Keane and Larsen, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/20/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-sixth through fiftieth legislative days, find the same to be correct.

Correctly printed: **SB 392**, **SB 393**, **SB 394**, **SB 395**, **SR 21**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**, **HB 38**, **HB 168**, **HB 184**, **HB 232**, **HB 280**, **HB 283**, **HB 291**, **HB 304**, **HJR 3**.
Correctly engrossed: **SB 355**, **SB 369**, **SJR 21, HB 24**, **HB 37**, **HB 110**, **HB 187**, **HB 195**, **HB 225**, **HB 226**, **HB 247**, **HB 274**, **HB 277**, **HB 278**, **HB 510.**
Correctly enrolled: **SB 2**, **SB 34, SB 93**, **SB 266**, **SB 291**, **SB 343**, **SB 356**.
Examined by the sponsor and found to be correct: **SB 2**, **SB 34**, **SB 40**, **SB 49**, **SB 93**, **SB 146**, **SB 225**, **SB 266**, **SB 291**, **SB 343**, **SB 356**, **SR 8**, **SR 15**, **SR 16**.
Transmitted to the House: **HB 22**, **HB 65**, **HB 140**, **HB 163**, **HB 325**, **HB 360**, **HJR 11**.
Signed by the Secretary of the Senate at 4:05 p.m., March 19, 2013: **SB 3**, **SB 21**, **SB 35**, **SB 44**, **SB 55**, **SB 71**, **SB 77**, **SB 142**, **SB 252**, **SJR 4**, **SJR 8**.
Signed by the Secretary of the Senate at 4:05 p.m., March 20, 2013: **SB 2**, **SB 34**, **SB 40**, **SB 49**, **SB 93**, **SB 146**, **SB 225**, **SB 266**, **SB 291**, **SB 343**, **SB 356**, **SR 8**, **SR 15**, **SR 16**.
Signed by the President at 5:00 p.m., March 19, 2013: **SB 3**, **SB 21**, **SB 35**, **SB 44**, **SB 55**, **SB 71**, **SB 77**, **SB 142**, **SB 252**, **SJR 4**, **SJR 8**.
Signed by the Speaker at 11:35 a.m., March 20, 2013: **SB 12**, **SB 23**, **SB 41**, **SB 61**, **SB 62**, **SB 86**, **SB 92**, **SB 104**, **SB 145**, **SB 211**, **SB 213**, **SB 235**, **SJR 3**, **SJR 6**.
Signed by the Speaker at 11:40 a.m., March 20, 2013: **SB 3**, **SB 21**, **SB 35**, **SB 44**, **SB 55**, **SB 71**, **SB 77**, **SB 142**, **SB 252**, **SJR 4**, **SJR 8**.
Delivered to the Secretary of State at 8:50 a.m., March 20, 2013: **SR 10**, **SR 12**, **SR 13**, **SR 18**, **SR 19**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/19/2013
HB 362, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 3/20/2013
HB 7, be concurred in. Report adopted.

HB 8, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/19/2013
SB 178, do pass. Report adopted.
HB 328, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/19/2013
HB 299, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/20/2013
HB 335, be concurred in. Report adopted.
HB 374, be concurred in. Report adopted.
HB 385, be concurred in. Report adopted.
HB 485, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/18/2013
SJR 21, introduced joint resolution, be amended as follows:

1. Title, line 5.
Following: "COMMEMORATING"
Insert: "THE 163RD INFANTRY REGIMENT AND ITS SUCCESSORS ON"

And, as amended, do pass. Report adopted.

HB 277, be amended as follows:

1. Page 1, line 19.
Strike: "in any 24-year period"

2. Page 1, line 19 through line 20.
Strike: ", whether" on line 19 through "both" on line 20

3. Page 2, line 8.
Strike: "to revising term limits for state legislators."
Insert: "on Constitutional Amendment No. ___"

4. Page 2, line 9.
Strike: "to revising term limits for state legislators."
Insert: "on Constitutional Amendment No. ___"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in and returned to the Senate: 3/19/2013

SB 202, introduced by Kaufmann

House bill passed and transmitted to the Senate for concurrence: 3/20/2013

HB 2, introduced by Ankney

MOTIONS

SB 254 - Senator Caferro moved that **SB 254** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole on the sixty-first legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Lewis, Malek, Olson, Phillips, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 35

Nays: Barrett Debby, Barrett Dick, Driscoll, Facey, Jergeson, Moore, Murphy, Peterson, Priest, Sesso, Van Dyk, Vincent, Wanzenried.
Total 13

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 250 - Senator Facey moved that **HB 250** be taken from Business, Labor and Economic Affairs and brought before the Committee of the Whole. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 27

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 22, introduced by Jent, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 9, introduced by Hollandsworth (by request of the Montana Arts Council and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 11, introduced by Gibson (by request of the Department of Commerce, the Department of Natural Resources and Conservation, the Office of Budget and Program Planning), referred to Finance and Claims.
HB 97, introduced by Wilmer (by request of the Public Employees' Retirement Board), referred to Finance and Claims.
HB 101, introduced by Ehli (by request of the Select Committee on Efficiency in Government), referred to Finance and Claims.
HB 153, introduced by Gibson, referred to Taxation.
HB 336, introduced by Gibson, G. Bennett, Brodehl, Dudik, Fitzpatrick, Hollenbaugh, Jent, Lynch, Miller, Noonan, Olson, Ripley, Sesso, referred to Finance and Claims.
HB 444, introduced by Jacobson, B. Bennett, Blasdel, Connell, Doane, Flynn, Hunter, Kary, Lieser, McNally, Mehlhoff, Miller, O'Hara, Pierson, Pomnichowski, Price, Van Dyk, Vance, Washburn, Welborn, Wilmer, referred to Fish and Game.
HB 447, introduced by Peppers, referred to Education and Cultural Resources.
HB 464, introduced by Clark, Hunter, Keane, Tutvedt, referred to Business and Labor.
HB 478, introduced by Laszloffy, Arntzen, G. Bennett, Blyton, Boulanger, D. Brown, Clark, Dudik, Gursky, Hertz, D. Jones, Knudsen, Malek, Rosendale, Taylor, Thomas, Tutvedt, Zolnikov, referred to Judiciary.
HB 517, introduced by Cuffe (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 556, introduced by Cuffe (by request of the House Joint Appropriations Subcommittee on Natural Resources and Transportation), referred to Finance and Claims.
HB 573, introduced by Hagan, Fitzpatrick, Lavin, D. Moore, Rosendale, referred to Highways and Transportation.
HB 583, introduced by Cook, Blasdel, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 247 - Senator Jent moved **HB 247** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Murphy, Olson, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Vincent, Vuckovich, Webb, Windy Boy, Mr. President.
Total 33

Nays: Augare, Barrett Dick, Blewett, Driscoll, Kaufmann, Moore, Peterson, Phillips, Priest, Stewart-Peregoy, Tutvedt, Van Dyk, Walker, Wanzenried, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 72 - Senator Driscoll moved **HB 72** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Barrett Debby, Boulanger, Moore, Sales, Walker, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 91 - Senator Blewett moved **HB 91** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 105 - Senator D. Brown moved **HB 105** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 37

Nays: Boulanger, Fielder, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 125 - Senator Van Dyk moved **HB 125** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Malek, Olson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 25

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent,

Walker, Webb, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 79 - Senator Webb moved **HB 79** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 38

Nays: Boulanger, Brenden, Fielder, Olson, Ripley, Sonju, Tropila, Walker, Wittich, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

SB 189 - **House Amendments** - Senator Webb moved House amendments to **SB 189** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 232 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Jent, Jergeson, Kaufmann, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 16

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 226 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 278 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Kaufmann, Malek, Olson, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 225 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 17

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 291 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 280 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Malek, Moore, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

HB 110 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll,

Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 30

Nays: Barrett Debby, Boulanger, Brenden, Buttrey, Fielder, Jackson, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

SPECIAL ORDERS OF THE DAY

SR 21 - Senator Priest moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 21**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Ripley, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Keane, Larsen.
Total 2

MOTIONS

Senator Stewart-Peregoy moved to change her vote on **HB 225** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, March 21, 2013, the sixty-first legislative day. Motion carried.

Senate adjourned at 2:00 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 21, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare and Priest, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/21/2013

Correctly printed: **SB 178**, **SB 254**, **SJR 22**, **HB 7**, **HB 8**, **HB 72**, **HB 79**, **HB 91**, **HB 105**, **HB 125**, **HB 250**, **HB 299**, **HB 328**, **HB 335**, **HB 362**, **HB 374**, **HB 385**, **HB 485**.
Correctly engrossed: **SB 280**, **HB 258**, **HB 352**, **HB 459**.
Correctly enrolled: **SB 33**, **SB 57**, **SB 63**, **SB 70**, **SB 99**, **SB 132**, **SB 267**, **SB 326**, **SR 21**.
Transmitted to the House: **HB 110**, **HB 225**, **HB 226**, **HB 232**, **HB 278**, **HB 280**, **HB 291**.
Signed by the President at 12:00 p.m., March 21, 2013: **SB 2**, **SB 34**, **SB 40**, **SB 49**, **SB 93**, **SB 146**, **SB 225**, **SB 266**, **SB 291**, **SB 343**, **SB 356**, **SR 8**, **SR 15**, **SR 16**.
Delivered to the Governor at 10:33 a.m., March 21, 2013: **SB 3**, **SB 12**, **SB 21**, **SB 23**, **SB 35**, **SB 41**, **SB 44**, **SB 55**, **SB 61**, **SB 62**, **SB 71**, **SB 77**, **SB 86**, **SB 92**, **SB 104**, **SB 142**, **SB 145**, **SB 211**, **SB 213**, **SB 235**.
Delivered to the Governor at 10:52 a.m., March 21, 2013: **SB 252**.
Delivered to the Secretary of State at 11:28 a.m., March 21, 2013: **SJR 3**, **SJR 4**, **SJR 6**, **SJR 8**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/19/2013
SR 11, **preliminary report**, be adopted. Report adopted.
SR 14, be adopted. Report adopted.
HB 189, be concurred in. Report adopted.
HB 323, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 3/21/2013
SR 26, be adopted. Report adopted.

JUDICIARY (Murphy, Chair): 3/20/2013
HB 352, be amended as follows:

1. Page 1, line 24.
Following: line 24
Insert: "Each person listed must be a current or former judge, a current or former attorney, current

court personnel, or a former law enforcement officer. "

2. Page 1, line 25.
Following: "must"
Insert: "also"

And, as amended, be concurred in. Report adopted.

HB 459, be amended as follows:

1. Page 1, line 14 through line 15.
Strike: subsection (b) in its entirety
Insert: "(b) inquire about a person's ownership, possession, or use of firearms as a condition of receiving health care."

2. Page 1, line 16.
Strike: ","
Insert: ": (a)"

3. Page 1, line 17.
Strike: "."
Insert: "; and (b) the term "possession" does not apply to the presence of a firearm on the person of a patient at the time of treatment."

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 3/20/2013
HB 258, be amended as follows:

1. Page 2, line 19.
Following: "resolution"
Insert: "or was posted on the county's website at least 2 days prior to the hearing or other action for which notice was required"

2. Page 3, line 27.
Following: "ordinance"
Insert: "or was posted on the municipality's website at least 2 days prior to the hearing or other action for which notice was required"

And, as amended, be concurred in. Report adopted.

HB 314, be concurred in. Report adopted.
HB 562, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/20/2013

SB 280, introduced bill, be amended as follows:

1. Page 11, line 30.
Strike: "county tax appeal board,"
Following: "board"
Strike: ","

And, as amended, do pass. Report adopted.

SR 20, be adopted. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/20/2013

SB 33, introduced by Jent
SB 57, introduced by Jent
SB 63, introduced by Blewett
SB 70, introduced by Walker
SB 99, introduced by Olson
SB 132, introduced by Jergeson
SB 267, introduced by Thomas
SB 326, introduced by Malek

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/20/2013

SB 249, introduced by Debby Barrett

House joint resolution passed and transmitted to the Senate for concurrence:
3/20/2013

HJR 17, introduced by Gibson

MOTIONS

Senator Jent moved to reconsider third-reading action on **HB 278**. Motion **failed** as follows:

Yeas: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder,

Jackson, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 396, introduced by Brenden, Blasdel, Doane, Halvorson, Knudsen, Lang, Olson, Osmundson, Rosendale, referred to Natural Resources.
SB 397, introduced by Boulanger, Brenden, Thomas, referred to Fish and Game.
SB 398, introduced by Tutvedt, referred to Taxation.
SB 399, introduced by Van Dyk, Jacobson, referred to Taxation.

The following Senate bill was referred to committee:

SB 395, introduced by Wanzenried, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 12 - Senator Essmann moved **HJR 12** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

HB 187 - Senator Arntzen moved **HB 187** be concurred in.

HB 187 - Senator Arntzen moved **HB 187**, second reading copy, be amended as follows:

1. Page 4, line 12.
Following: "ASSISTANTS"
Insert: "and"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

HB 187 - Senator Arntzen moved **HB 187**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 41

Nays: Driscoll, Jent, Kaufmann, Malek, Tropila, Wanzenried, Wittich.

Total 7

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

Senator Boulanger expressed a conflict of interest before voting on **HB 187**.

HB 274 - Senator Sonju moved **HB 274** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 29

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

Senator Boulanger expressed a conflict of interest before voting on **HB 274**.

SB 260 - Senator Thomas moved **SB 260** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Barrett Dick, Blewett, Caferro, Facey, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Augare, Priest.

Total 2

HB 168 - Senator Jent moved **HB 168** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Driscoll, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

HB 510 - Senator Murphy moved consideration of **HB 510** be passed for the day. Without objection, so ordered.

SB 139 - **House Amendments** - Senator Walker moved House amendments to **SB 139** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Barrett Dick, Blewett, Kaufmann.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

SB 319 - **House Amendments** - Senator Sonju moved House amendments to **SB 319** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

SB 254 - Senator Caferro moved **SB 254** do pass.

SB 254 - Senator Jergeson moved **SB 254**, second reading copy, be amended as follows:

1. Page 2, line 6 through line 7.
Strike: "2014" on line 6 through "date" on line 7
Insert: "2016"

2. Page 2, line 10.
Strike: "and"

3. Page 2, line 11.
Following: "services"
Insert: "; and (c) secure from the legislature in 2015 the adoption of a transition plan that transitions residents to community-based facilities and services and an appropriation sufficient to fund those services"

4. Page 2, line 16.
Strike: "15"
Insert: "16"

5. Page 2, line 29.
Strike: "and"

6. Page 2, line 30.
Following: "disabilities"
Insert: "; and (k) the superintendent of the Montana developmental center"

7. Page 3, line 7.

Following: "2014"
Insert: ", for presentation to the legislature in 2015. The transition plan must be approved by the committee by a two-thirds vote"

8. Page 5, line 26 through line 27.
Strike: "2014" on line 26 through "date" on line 27
Insert: "2016"

Amendment **not** adopted as follows:

Yeas: T. Brown, Caferro, Fielder, Jergeson, Jones, Kaufmann, Malek, Rosendale, Taylor, Walker, Windy Boy, Wittich, Mr. President.
Total 13

Nays: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Driscoll, Facey, Hamlett, Jackson, Jent, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb.
Total 35

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

SB 254 - Thereupon, the Senate reverted to the original motion of Senator Caferro which **failed** as follows:

Yeas: Arntzen, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Jones, Kaufmann, Malek, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 23

Nays: Arthun, Barrett Debby, Barrett Dick, Blewett, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried.
Total 26

Paired: Wittich, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Augare.

Total 1

SB 254 - Senator Wittich moved **SB 254** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 31

Nays: Arntzen, Boulanger, Brenden, D. Brown, Caferro, Fielder, Jackson, Kaufmann, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Walker, Webb, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Tropila moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Arntzen, Caferro, Sales, Sonju, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 247 concurred in as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Lewis, Murphy, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Webb, Windy Boy, Mr. President.
Total 28

Nays: Arthun, Barrett Dick, Blewett, Driscoll, Facey, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Peterson, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Walker, Wanzenried, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

HB 72 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 40

Nays: Barrett Debby, Boulanger, Moore, Priest, Sales, Sonju, Walker, Webb, Wittich.
Total 9

Paired: Fielder, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 91 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

HB 105 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 37

Nays: Boulanger, Fielder, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Wittich, Mr. President.
Total 12

Paired: Olson, Aye; Priest, No.

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

HB 125 concurred in as follows:

Yeas: Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Rosendale, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

HB 79 concurred in as follows:

Yeas: Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 35

Nays: Arntzen, Boulanger, Brenden, Fielder, Jackson, Keane, Olson, Ripley, Sonju, Tropila, Vincent, Walker, Wittich, Mr. President.
Total 14

Paired: Priest, Aye; Wittich, No.

Absent or not voting: None.
Total 0

Excused: Augare.
Total 1

SB 189, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Priest.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, March 22, 2013, the sixty-second legislative day. Motion carried.

Senate adjourned at 3:10 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 22, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SB 260**, **SB 396**, **SB 397**, **SB 398**, **SB 399**, **SR 14**, **SR 20**, **SR 26**, **HB 168**, **HB 189**, **HB 274**, **HB 314**, **HB 323**, **HB 562**, **HJR 12**.
Correctly engrossed: **HB 187**.
Correctly enrolled: **SB 24**, **SB 67**, **SB 76**, **SB 103**, **SB 105**, **SB 181**, **SB 189**.
Transmitted to the House: **HB 72**, **HB 79**, **HB 91**, **HB 105**, **HB 125**, **HB 247**.
Signed by the Secretary of the Senate at 10:25 a.m., March 22, 2013: **SB 33**, **SB 57**, **SB 63**, **SB 70**, **SB 99**, **SB 132**, **SB 267**, **SB 326**, **SR 21**.
Signed by the President at 12:11 p.m., March 22, 2013: **SB 33**, **SB 57**, **SB 63**, **SB 70**, **SB 99**, **SB 132**, **SB 267**, **SB 326**, **SR 21**.
Signed by the Speaker at 7:45 a.m., March 22, 2013: **SB 2**, **SB 34**, **SB 40**, **SB 49**, **SB 93**, **SB 146**, **SB 225**, **SB 266**, **SB 291**, **SB 343**, **SB 356**.
Delivered to the Governor at 11:16 a.m., March 22, 2013: **SB 2**, **SB 34**, **SB 40**, **SB 49**, **SB 93**, **SB 146**, **SB 225**, **SB 266**, **SB 291**, **SB 343**, **SB 356**.
Delivered to the Secretary of State at 9:12 a.m., March 22, 2013: **SR 8**, **SR 15**, **SR 16**.
Delivered to the Secretary of State at 4:15 p.m., March 22, 2013: **SR 21**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/21/2013
HB 322, be concurred in. Report adopted.
HB 502, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/21/2013
HB 455, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/22/2013
SR 35, **preliminary report**, be adopted. Report adopted.
SR 36, **preliminary report**, be adopted. Report adopted.
SR 37, **preliminary report**, be adopted. Report adopted.
SR 38, **preliminary report**, be adopted. Report adopted.
SR 39, **preliminary report**, be adopted. Report adopted.
HB 127, be concurred in. Report adopted.
HB 402, be concurred in. Report adopted.

HB 462, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/21/2013
SR 28, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/21/2013
HB 508, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/21/2013

SB 24, introduced by Rosendale
SB 67, introduced by Van Dyk
SB 76, introduced by Vincent
SB 103, introduced by Webb
SB 105, introduced by T. Brown
SB 181, introduced by Caferro

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/21/2013

SB 26, introduced by Jergeson
SB 148, introduced by L. Jones

MOTIONS

Senator Keane rose on a point of personal privilege to inquire about bills not moving forward in anticipation of approaching deadlines. President Essmann reported he will shortly be assigning bills to committee.

Senator Jergeson rose to clarify that Senator Keane's question related to bills that have been reported out of committee but not yet scheduled for second reading.

Senator Wittich moved **HB 129** be re-referred to the Judiciary committee. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Nays: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Peterson moved that **SB 375** be taken from Judiciary and brought before the Committee of the Whole on Monday, March 25, 2013, the sixty-fourth legislative day. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Keane moved that **HB 210** be taken from Finance and Claims and brought before the Committee of the Whole on Monday, March 25, 2013, the sixty-fourth legislative day. Senator Wittich informed the body that **HB 210** was scheduled for second reading tomorrow, Saturday, March 23, 2013. Senator Keane withdrew his motion.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 400, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.
SB 401, introduced by Sesso, referred to Natural Resources.
SB 402, introduced by Van Dyk, T. Brown, F. Moore, referred to Fish and Game.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 40, introduced by Vincent (by request of the Senate Natural Resources Standing Committee), referred to Natural Resources.

SR 41, introduced by Vincent (by request of the Senate Natural Resources Standing Committee), referred to Natural Resources.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 17, introduced by Gibson, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Olson excused at this time.

HB 162 - Senator F. Moore moved consideration of **HB 162** be passed for the day. Without objection, so ordered.

HB 510 - Senator Murphy moved **HB 510** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 184 - Senator Arntzen moved consideration of **HB 184** be passed for the day. Without objection, so ordered.

HB 7 - Senator Sesso moved **HB 7** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 43

Nays: Boulanger, Sales, Sonju, Webb, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 8 - Senator Brenden moved **HB 8** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Sales, Walker, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

HB 304 - Senator Vincent moved **HB 304** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

Senator Olson present at this time.

HB 335 - Senator Jent moved **HB 335** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 485 - Senator Blewett moved consideration of **HB 485** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 146 - Senator Tutvedt moved consideration of **HB 146** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 37 - Senator Keane moved **HB 37** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 3 - Senator Jackson moved **HJR 3** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 277 - Senator Sales moved **HB 277** be concurred in.

HB 277 - Senator Blewett moved **HB 277**, second reading copy, be amended as follows:

1. Page 1, line 25 through line 26.
Strike: subsection (b) in its entirety
Insert: "(b) 16 or more years in any 24-year period as a state legislator, whether as a state representative or as a state senator, or both;"

Amendment **not** adopted as follows:

Yeas: Blewett, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Tropila, Van Dyk, Wanzenried.
Total 10

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 277 - Thereupon, the Senate reverted to the original motion of Senator Sales which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy, Mr. President.
Total 37

Nays: Fielder, Jent, Jergeson, Jones, Kaufmann, Malek, Priest, Rosendale, Thomas, Tropila, Walker, Wanzenried, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Phillips, Rosendale, Tropila, Wanzenried, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 12 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 274 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 33

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Jones, Kaufmann, Keane, Larsen, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 260 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 168 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Driscoll, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 139, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Barrett Dick, Blewett, Kaufmann, Phillips.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked this week's pages for their service.

SR 14 - Senator Taylor Brown moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 14**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 20 - Senator Tutvedt moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 20**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 26 - Senator Ripley moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 26**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Caferro moved the Senate reconsider its action to indefinitely postpone **SB 254.** Motion **failed** as follows:

Yeas: Arntzen, Augare, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Jones, Kaufmann, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Webb, Windy Boy, Wittich, Mr. President.
Total 22

Nays: Arthun, Barrett Debby, Barrett Dick, Blewett, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, March 23, 2013, the sixty-third legislative day. Motion carried.

Senate adjourned at 3:40 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 23, 2013 — State Capitol

Senate convened at 7:59 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Keane, excused. Quorum present.

Kaitlin Kolka, Montana State High School Rodeo Queen, and one of the Senate pages for the past week, spoke briefly to the Senate members about high school rodeo.

BILLS AND JOURNALS (Buttrey, Chair): 3/23/2013

Correctly printed: **SB 375**, **SB 400**, **SB 401**, **SB 402**, **SR 28**, **SR 40**, **SR 41**, **HB 7**, **HB 8**, **HB 37**, **HB 127**, **HB 250**, **HB 277**, **HB 322**, **HB 335**, **HB 402**, **HB 455**, **HB 462**, **HB 502**, **HB 508**, **HB 510**, **HJR 3**.
Correctly engrossed: **HB 297**, **HB 304**.
Transmitted to the House: **SB 260**, **HB 168**, **HB 274**, **HJR 12**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/21/2013
SR 17, **preliminary report**, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/22/2013
HB 297, be amended as follows:

1. Page 2, line 30 through page 3, line 5.
Strike: ":" on page 2, line 30 through "(c)" on page 3, line 5

2. Page 3.
Following: line 10
Insert: "(a) notify the employer that a complaint has been filed and that the employer has 15 days to respond to the complaint. Information included in the notification must include the name and contact information of the person submitting the complaint to the department."
Renumber: subsequent subsections

3. Page 4, line 16.
Following: "(4)"
Insert: "(a)"

4. Page 4, line 18.
Following: "work."
Insert: "
(b)"

5. Page 4, lines 26 through 28.
Following: "If" on line 26
Strike: "a" on line 26 through "general" on page 4, line 28
Insert: "the provisions of subsection (4)(b) apply"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/22/2013
SR 23, **preliminary report**, be adopted. Report adopted.
SR 25, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

March 22, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Essmann:

On Friday, March 22, 2013, I signed the following Senate bill:

Senate Bill 123 - Senator Van Dyk

This bill was delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/22/2013

SB 116, introduced by Arthun
SB 137, introduced by Olson

SB 172, introduced by Walker
SB 176, introduced by Peterson
SB 230, introduced by Wanzenried
SB 270, introduced by Buttrey
SB 293, introduced by Tutvedt
SB 312, introduced by Sonju
SB 314, introduced by Wanzenried
SB 327, introduced by Olson
SB 332, introduced by Tutvedt

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/22/2013

SB 125, introduced by Olson
SB 185, introduced by Sesso
SB 224, introduced by Debby Barrett
SB 259, introduced by Arntzen

House bills passed and transmitted to the Senate for concurrence: 3/22/2013

HB 10, introduced by Pomnichowski
HB 535, introduced by G. Bennett
HB 546, introduced by Hollandsworth

House joint resolution passed and transmitted to the Senate for concurrence: 3/22/2013

HJR 16, introduced by Eck

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 10, introduced by Pomnichowski (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 19, introduced by Hollandsworth (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 87, introduced by Welborn (by request of the State Auditor), referred to Public Health, Welfare and Safety.
HB 126, introduced by Ingraham (by request of the Secretary of State), referred to State Administration.
HB 284, introduced by Cook, referred to Business, Labor, and Economic Affairs.
HB 401, introduced by Welborn, Ankney, B. Bennett, Blewett, Brenden, T. Brown, Cook, Curtis, Ehli, Flynn, Glimm, Hamlett, Hollenbaugh, Jacobson, Keane, Larsen, MacDonald, Miller, Murphy, Peterson, Pomnichowski, Priest, Reichner, Sesso, Shaw, Vincent, Whitford, Wittich, referred to

Fish and Game.
HB 477, introduced by Berry, referred to Energy and Telecommunications.
HB 501, introduced by Berry, referred to Business, Labor, and Economic Affairs.
HB 524, introduced by Clark, referred to Local Government.
HB 533, introduced by Cook, referred to Natural Resources.
HB 535, introduced by G. Bennett, B. Bennett, Blasdel, Lieser, D. Moore, referred to Natural Resources.
HB 546, introduced by Hollandsworth, referred to Local Government.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 16, introduced by Eck, referred to Public Health, Welfare and Safety.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 510 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Olson.
Total 1

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 7 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 43

Nays: D. Brown, Driscoll, Sales, Webb, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 8 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 45

Nays: Sales, Walker, Wittich, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 304 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 335 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 37 concurred in as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 33

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HJR 3 failed as follows:

Yeas: Arntzen, Barrett Debby, D. Brown, T. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 21

Nays: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 28

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 277 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Hamlett, Jackson, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy, Mr. President.
Total 34

Nays: Arntzen, Caferro, Driscoll, Fielder, Jent, Jergeson, Jones, Kaufmann, Priest, Rosendale, Thomas, Tropila, Walker, Wanzenried, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 187 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Mr. President.
Total 44

Nays: Kaufmann, Tropila, Vuckovich, Wanzenried, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wanzenried in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 184 - Senator Arntzen moved **HB 184** be concurred in.

HB 184 - Senator Blewett moved **HB 184**, second reading copy, be amended as follows:

1. Title, line 6.
Following: "SALESPERSON"
Insert: "UNLESS THE PERSONAL TRANSACTION DIRECTLY INVOLVES THE SALESPERSON'S SUPERVISING BROKER OR REAL ESTATE FIRM"

2. Page 1, line 30.
Following: "salesperson"
Insert: "unless the personal transactions directly involve the salesperson's supervising broker or real estate firm"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Brenden, Ripley, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 184 - Senator Arntzen moved **HB 184**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Arthun, Kaufmann, Phillips, Van Dyk.
Total 4

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 485 - Senator Blewett moved **HB 485** be concurred in.

HB 485 - Senator Thomas moved **HB 485**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Following: "SECURITY"
Insert: "AND RENT"

2. Page 1, line 13.
Following: "detainer,"
Insert: "rent deposit,"

3. Page 1, line 15.
Following: "entry"
Strike: "and"
Insert: ","
Following: "detainer"
Insert: ", and rent deposits"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Brenden, Ripley, Sales, Vincent, Webb.

Total 5

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 485 - Senator Blewett moved **HB 485**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 146 - Senator Tutvedt moved **HB 146** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 162 - Senator Thomas moved **HB 162** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Jackson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 35

Nays: Augare, Blewett, Facey, Hamlett, Jent, Jergeson, Kaufmann, Malek, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

SB 249 - **House Amendments** - Senator Debby Barrett moved House amendments to **SB 249** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 189 - Senator T. Brown moved consideration of **HB 189** be passed for the day. Without objection, so ordered.

HB 323 - Senator Phillips moved **HB 323** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest,

Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 250 - Senator Facey moved **HB 250** be concurred in.

HB 250 - Senator Facey moved **HB 250**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "EXCHANGE;"
Insert: "PROVIDING TRAINING REQUIREMENTS FOR OTHER PEOPLE WHO ASSIST THOSE SIGNING UP FOR THE EXCHANGE;"

2. Title, page 1, lines 6 through 7.
Strike: "PROVIDING RULEMAKING" on line 6 through "COMMISSIONER;" on line 7

3. Page 5, line 24.
Following: "**program**"
Insert: "**-- training for certified application counselors and others**"

4. Page 6, line 2.
Strike: "and the number of hours"
Following: "education"
Insert: "covering 10 hours in every 24-month period"

5. Page 6.
Following: line 17
Insert: "(5) The commissioner may prescribe training for an application counselor provided for in federal rule and other persons who while not part of the navigator program assist those who sign up for an exchange. The commissioner may require completion of the training before certification by the exchange. The training must be designed for those who assist applicants seeking to enroll in coverage through the exchange."

6. Page 12, line 20 through line 21.
Strike: subsection (5)(c) in its entirety

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Jackson.
Total 1

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 250 - Senator Facey moved **HB 250** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Nays: Arntzen, Brenden, D. Brown, Jackson, Moore, Murphy, Priest, Rosendale, Sales, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

HB 362 - Senator Facey moved **HB 362**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Webb, Mr. President.
Total 39

Nays: Blewett, Caferro, Fielder, Hamlett, Rosendale, Sales, Tutvedt, Wanzenried, Windy Boy, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Keane.
Total 1

Senator Thomas rose on a point of order. He stressed members should refrain from criticism of other members during floor discussion.

Senator Thomas excused at this time.

HB 210 - Senator Olson moved **HB 210** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 42

Nays: Boulanger, Sales, Sonju, Vincent, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Keane, Thomas.
Total 2

Senator Priest excused at this time.

Senator Thomas present at this time.

HB 203 - Senator L. Jones moved **HB 203** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 33

Nays: Arntzen, Arthun, Boulanger, Fielder, Jackson, Moore, Sales, Sonju, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

HB 299 - Senator Jergeson moved to pass consideration of **HB 299.** Without objection, so ordered.

HB 68 - Senator Murphy moved **HB 68** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.
Total 40

Nays: Barrett Debby, Brenden, Ripley, Sales, Sonju, Vincent, Walker, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

Senator Boulanger excused at this time.

HB 385 - Senator Wittich moved **HB 385** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Blewett, Caferro, Kaufmann, Wanzenried.
Total 4

Absent or not voting: None.

Total 0

Excused: Boulanger, Keane, Priest.
Total 3

HB 352 - Senator Blewett moved **HB 352** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Boulanger, Keane, Priest.
Total 3

Senator Boulanger present at this time.

HB 459 - Senator Sales moved **HB 459** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Barrett Dick, Caferro, Facey, Kaufmann, Malek, Phillips, Wanzenried.
Total 7

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

Senator Wittich moved the Senate recess for ten minutes. Without objection so ordered.

Senate recessed at 10:03 a.m. and reconvened at 10:12 a.m.

HB 314 - Senator Webb moved **HB 314** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

HB 562 - Senator Vuckovich moved **HB 562** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

HB 359 - Senator Thomas moved to pass consideration of **HB 359**. Without objection, so ordered.

HB 24 - Senator Vincent moved **HB 24** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones,

Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 41

Nays: Arntzen, Sales, Sonju, Tropila, Walker, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

SB 355 - Senator Hamlett moved **SB 355** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

HB 38 - Senator Sesso moved **HB 38** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 47

Nays: Mr. President.
Total 1

Absent or not voting: None.

Total 0

Excused: Keane, Priest.
Total 2

HB 283 - Senator Peterson moved consideration of **HB 283** be passed for the day. Without objection, so ordered.

SJR 21 - Senator Caferro moved **SJR 21** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

HB 195 - Senator Tutvedt moved **HB 195** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 47

Nays: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Wanzenried moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 42, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

MOTIONS

Senator Van Dyk moved **SB 402** be moved from the Fish and Game committee to the Agriculture, Livestock and Irrigation committee. Without objection, so ordered.

Senator Ripley moved **SB 355** be moved to the Finance and Claims committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

SR 28 - Senator Brenden moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 28**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Keane, Priest.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, March 25, 2013, the sixty-fourth legislative day. Motion carried.

Senate adjourned at 11:13 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

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SENATE JOURNAL
63RD LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 25, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Caferro, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/25/2013

Correctly printed: **SJR 21**, **SR 25**, **SR 42**, **HB 24**, **HB 38**, **HB 68**, **HB 146**, **HB 162**, **HB 195**, **HB 203**, **HB 210**, **HB 314**, **HB 352**, **HB 362**, **HB 385**, **HB 459**.
Correctly engrossed: **HB 106**, **HB 184**, **HB 250**, **HB 323**, **HB 485**, **HB 513**, **HB 562**, **HJR 9**.
Correctly enrolled: **SB 116**, **SB 137**, **SB 139**, **SB 172, SB 176**, **SB 230**, **SB 270, SB 293**, **SB 312**, **SB 314, SB 319**, **SB 327, SB 332**, **SR 14**, **SR 20**, **SR 26**, **SR 28**.
Examined by the sponsor and found to be correct: **SB 24**, **SB 67**, **SB 76**, **SB 103**, **SB 105**, **SB 181**, **SB 189**, **SR 14**, **SR 20**, **SR 26**, **SR 28**.
Transmitted to the House: **HB 7**, **HB 8**, **HB 37**, **HB 187**, **HB 277**, **HB 304**, **HB 335**, **HB 510**.
Signed by the Secretary of the Senate at 7:45 a.m., March 23, 2013: **SB 24**, **SB 67**, **SB 76**, **SB 103**, **SB 105**, **SB 181**, **SB 189**.
Signed by the Speaker at 8:15 a.m., March 25, 2013: **SB 33**, **SB 57**, **SB 63**, **SB 70**, **SB 99**, **SB 132**, **SB 267**, **SB 326**.
Delivered to the Governor at 1:50 p.m., March 25, 2013: **SB 33**, **SB 57**, **SB 63**, **SB 70**, **SB 99**, **SB 132**, **SB 267**, **SB 326**.

Senator Caferro present at this time.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/21/2013
SR 17, introduced resolution, be amended as follows:

1. Title, page 1, line 8.
Strike: "THE APPOINTMENTS"
Insert: "AN APPOINTMENT"

2. Page 1, line 12.
Strike: "appointments"
Insert: "appointment"

3. Page 1, line 13.

Strike: "have"
Insert: "has"

4. Page 1, line 14.
Strike: "members"
Insert: "a member"

5. Page 1, lines 15 through 16.
Strike: lines 15 and 16

6. Page 1, line 21.
Strike: "appointments"
Insert: "appointment"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 3/22/2013
SR 29, **preliminary report**, be adopted. Report adopted.
SR 32, **preliminary report**, be adopted. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 3/25/2013
HB 170, be concurred in. Report adopted.
HB 256, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/25/2013
SR 5, be adopted. Report adopted.
SR 6, be adopted. Report adopted.
SR 7, **preliminary report**, be adopted. Report adopted.
SR 27, be adopted. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/22/2013
HB 106, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: the second "REVISING" on line 5 through "PROVISIONS;" on line 6

2. Title, page 1, line 8.
Strike: "3-7-311,"
Strike: "85-2-114, 85-2-122,"

3. Page 1, line 14 through line 23.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 4, line 30 through page 7, line 17.

Strike: section 3 and section 4 in their entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 388, be concurred in. Report adopted.
HB 451, be concurred in. Report adopted.
HB 513, be amended as follows:

1. Title, page 1, line 5.
Following: "REVIEW"
Insert: "UNDER CERTAIN CIRCUMSTANCES"

2. Page 2, line 5.
Following: "2"
Insert: ", when existing roads through existing rights-of-way are used"

And, as amended, be concurred in. Report adopted.

HJR 9, be amended as follows:

1. Title, page 1, line 5.
Following: "THE"
Insert: "RESPONSIBLE"

2. Page 1, line 17.
Following: "WHEREAS,"
Insert: "responsible"

3. Page 1, line 25.
Following: "expanded"
Insert: ", responsible"

4. Page 2, line 3.
Following: "and"
Insert: "responsible"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 3/22/2013
HB 84, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 3/23/2013

HB 489, introduced by Hunter

MOTIONS

Senator Wittich moved consideration of agenda items one through four and item six (**HB 402**, **HB 455**, **HB 462**, **HB 508**, **HB 189)** be placed at the bottom of the second reading board. Without objection, so ordered.

Senator Wittich moved that **SB 170** be taken from Taxation and brought before the Committee of the Whole tomorrow March 26, the sixty-fifth legislative day. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Lewis, Moore, Olson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 23

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jackson moved to reconsider third-reading action on **HJR 3.** Mr. President explained that the effect of the motion would be to place **HJR 3** on third reading on the following legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Moore rose on a point of parliamentary procedure and informed the members that during consideration of bills on second reading, a chairman of the day who wishes to speak on a bill must step down and remain out of the chair until the bill has been voted on.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 403, introduced by Hamlett, referred to Natural Resources.
SB 404, introduced by Thomas, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 23, introduced by Tutvedt, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 2, introduced by Ankney (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 489, introduced by Hunter, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sales in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 374 - Senator Wittich moved **HB 374** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 - Senator Thomas moved **SB 280** do pass.

SB 280 - Senator Jergeson moved **SB 280**, second reading copy, be amended as follows:

1. Page 1, line 6 through line 10.
Strike: "ALLOWING" on page 1, line 6 through "REVENUE;" on line 10

2. Title, page 1, line 12.
Strike: "15-15-102,"

3. Page 1, line 18.
Strike: "Within 30 days after a final decision of the department"
Insert: "For appeals"

4. Page 1, line 20.
Strike: "the assessed value"
Insert: "all issues raised in the complaint"

5. Page 1, line 23.
Following: line 22
Insert: "(2) If the taxpayer requests mediation, which must be granted, the request is to be included in the complaint filed with the state tax appeal board pursuant to 15-2-302 or, if subsequent to the appeal, upon separate motion to the state tax appeal board. If mediation is requested by the taxpayer, the mediation must be conducted no less than 60 days prior to the contested case hearing on all issues raised in the complaint, to be scheduled by the state tax appeal board."
Renumber: subsequent subsections

6. Page 2, line 7 through line 11.
Following: "unsuccessful," on line 7
Strike: "the objector" on line 7 through "district" on line 11
Insert: "the parties shall proceed to a contested case hearing as scheduled by the state tax appeal board"

7. Page 2, line 13 through line 14.
Strike: "Within" on line 13 through "after" on line 14
Insert: "After"

8. Page 2, line 19.
Following: line 18
Insert: "(2) If the taxpayer requests mediation, which must be granted, the request is to be included in the complaint filed with the state tax appeal board pursuant to 15-2-302 or, if subsequent to the appeal, upon separate motion to the state tax appeal board. If mediation is requested by the taxpayer, the mediation must be conducted no less than 60 days prior to the contested case hearing on all issues raised in the complaint, to be scheduled by the state tax appeal board."
Renumber: subsequent subsections

9. Page 2, line 19.
Strike: "(5)"
Insert: "(6)"

10. Page 2, line 20.
Strike: subsection (3) in its entirety

11. Page 2, line 30.
Following: "~~chapter 23.~~"
Insert: "The procedure applies to assessments of centrally assessed property taxed pursuant to chapter 23."

12. Page 8, line 21 through line 22.
Strike: "or an unsuccessful" on line 21 through "[section 1]" on line 22

13. Page 9, line 11 through line 12.
Strike: "or an unsuccessful" on line 11 through "[section 1 or 2]" on line 12

14. Page 11, line 2 through line 20.
Strike: section 8 in its entirety
Renumber: subsequent sections

15. Page 11, line 30.
Strike: "or district court"

16. Page 13, line 9.
Strike: "or"
Insert: "and"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 - Senator Thomas moved **SB 280**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 217 - Senator Moore moved consideration of **HB 217** be passed for the day. Without objection, so ordered.

HB 23 - Senator Webb moved **HB 23** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt,

Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Arthun.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 1 - Senator D. Brown moved **HJR 1** be concurred in.

HJR 1 - Senator Webb moved **HJR 1**, second reading copy, be amended as follows:

1. Page 1, following line 28.
Insert: "BE IT FURTHER RESOLVED, that the examination of the process to select the Commissioner and of the structure, composition, and duties of the office include the options of having the Montana Attorney General appoint the Commissioner as a personal staff position and creating a panel of three District Court Judges to review any issues that cannot be resolved at the administrative level."

Amendment **not** adopted as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 22

Nays: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 1 - Thereupon, the Senate reverted to the original motion of Senator D. Brown which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann, Ripley, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 - Senator Peterson moved **SB 375** do pass.

SB 375 - Senator Peterson moved **SB 375**, second reading copy, be amended as follows:

1. Title, page 1, line 21.
Strike: the first "CERTAIN"
Insert: "INCIDENTAL"
Strike: "THE SOURCE OF CERTAIN REVENUE"
Insert: "CERTAIN INFORMATION"

2. Title, page 1, line 25.
Following: "INCOME;"
Insert: "REVISING AND"
Following: "AUTHORITY;"
Insert: "CREATING A SPECIAL REVENUE ACCOUNT FOR CERTAIN FEES RECEIVED BY THE COMMISSIONER OF POLITICAL PRACTICES;"

3. Title, page 1, line 26.
Following: "13-35-227,"
Insert: "13-35-402,"

4. Page 6, line 5.
Strike: the second "or"

5. Page 6, line 6.
Strike: "."
Insert: "; or"

6. Page 6, following line 6.
Insert: "(v) funds received in the normal course of business."

7. Page 7, line 30.
Strike: "an independent"
Insert: "a political"

8. Page 8, line 6.
Following: "political committee"
Insert: "organized for a primary purpose of making contributions and expenditures but"

9. Page 12, following line 22.
Insert: "Section 5. Section 13-35-402, MCA, is amended to read:

"13-35-402. Fair notice period before election ~~-- definition~~. (1) A candidate, a political committee that has filed a certification under 13-37-201, and an independent ~~political~~ committee shall at the time specified in subsection (3) of this section provide to candidates listed in subsection (2) of this section any final copy of campaign advertising in print media, in printed material, or by broadcast media that is intended for public distribution in the 10 days prior to an election unless:

(a) identical material was already published or broadcast; or

(b) the material does not identify or mention the opposing candidate.

(2) The material must be provided to all other candidates who have filed for the same office and who are individually identified or mentioned in the advertising, except candidates mentioned in the context of endorsements.

(3) Final copies of material described in subsection (1) must be provided to the candidates listed in subsection (2) at the following times:

(a) at the time the material is published or broadcast or disseminated to the public;

(b) if the material is disseminated by direct mail, on the date of the postmark; or

(c) if the material is prepared and disseminated by hand, on the day the material is first being made available to the general public.

(4) The copy of the material that must be provided to the candidates listed in subsection (2) must be provided by electronic mail, facsimile transmission, or hand delivery, with a copy provided by direct mail if the recipient does not have available either electronic mail or facsimile transmission. If the material is for broadcast media, the copy provided must be a written transcript of the broadcast.

~~(5) For the purposes of this section, an "independent political committee" is a committee that is not specifically organized on behalf of a particular candidate or that is not controlled either directly or indirectly by a candidate or a candidate's committee in conjunction with the making of expenditures or accepting contributions.~~""
Renumber: subsequent sections

10. Page 13, line 10 through line 11.
Strike: "general fund" on line 10 through "state" on line 11
Insert: "state special revenue account established in [section 16]"

11. Page 18, line 10 through line 11.
Strike: "The commissioner" on line 10 through "this chapter." on line 11
Insert: "An incidental committee shall file a report:

(a) on the 40th and 20th days preceding the date of an election in which it participates by making an expenditure;

(b) within 2 business days of receiving a contribution of $1,000 or more if made between the 20th day before an election and the day of the election;

(c) within 2 business days of making an expenditure or incurring a debt or obligation of $750 or more for an electioneering communication if the expenditure is made or the debt or obligation is incurred between the 19th day before the election and the day of the election;

(d) not more than 20 days after the date of the election in which it participated; and

(e) on a date to be prescribed by the commissioner for a closing report at the close of each calendar year."

12. Page 18, line 13.
Strike: "2"
Insert: "7"

13. Page 18, line 14.
Strike: "and"
Following: "(4)(b),"
Insert: "(4)(c), (5)(b), and (5)(c),"

14. Page 18, line 25.
Strike: "(4)"
Insert: "(5)"

15. Page 18, line 30.
Strike: "(4)"
Insert: "(5)"

16. Page 19, line 1.
Following: "~~(3)(b),~~"
Strike: "and"
Following: "(4)(b)"
Insert: ", (4)(c), (5)(b), and (5)(c)"

17. Page 19, line 2.
Following: "~~(3)(b),~~"
Strike: "or"
Following: "(4)(b),"
Insert: "(4)(c), (5)(b), or (5)(c)"

18. Page 19, line 11.
Strike: "Each"
Insert: "Except as provided in [section 14], each"

19. Page 20, line 13 through line 23.

Strike: section 13 in its entirety
Insert: "NEW SECTION. **Section 14. Disclosure requirements for incidental committees.** (1) An incidental political committee shall file a statement of organization as required by 13-37-201 and reports as provided in 13-37-226(5).

(2) For incidental committees that are not corporations with shareholders, the regularly scheduled reports must disclose all expenditures made prior to the reporting date and must disclose:

(a) if an incidental committee maintains a separate, segregated fund for the purpose of making expenditures or contributions in Montana, all contributions, donations, or funds received from a person prior to the reporting date and that are maintained in the separate, segregated fund; or

(b) if an incidental committee does not maintain a separate, segregated fund, the top ten persons making the largest aggregate contributions to the committee prior to the reporting date.

(3) For incidental committees that are corporations with shareholders, the regularly scheduled report must disclose all expenditures made prior to the reporting date and all shareholders possessing 10% or more of the corporation's stock according to the most recent available data prior to the reporting date."
Renumber: subsequent sections

20. Page 20, following line 28.
Insert: "NEW SECTION. **Section 16. Transparency, reporting, and accountability in campaigns and elections (TRACE) account.** (1) There is a transparency, reporting, and accountability in campaigns and elections account in the state special revenue fund. The amounts recovered and allocated to the commissioner's office pursuant to 13-37-129(1) must be deposited in the account.

(2) Money allocated to the special revenue fund must be used as specified in 13-37-129(2)."
Renumber: subsequent sections

21. Page 26, line 14.
Strike: "13 and"
Following: "14"
Strike: "through 16"

22. Page 26, line 16.
Strike: "13 and"
Following: "14"
Insert: "through 16"

23. Page 26, following line 16.
Insert: "NEW SECTION. **Section 21. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Insert: "NEW SECTION. **Section 22. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid

in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

24. Page 26, line 19.
Strike: "[sections 15 and 16]"
Insert: "[sections 17 and 18]"

Senate recessed at 2:20 p.m. to determine if the correct amendment was under consideration. Senate reconvened at 2:30 p.m.

SB 375 - Senator Essmann made a **substitute motion** that the severability clause (Part 23 of the amendment, new section 22, severability) be segregated for the purposes of voting on the amendment. The substitute motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 22

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 - Thereupon, the Senate reverted to the original amendment motion of Senator Peterson which passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 - Senator Peterson moved **SB 375**, as amended, do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Windy Boy, Wittich.
Total 37

Nays: Arntzen, Boulanger, Brenden, D. Brown, Fielder, Moore, Rosendale, Sales, Sonju, Vincent, Wanzenried, Webb, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 146 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Larsen.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 162 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 37

Nays: Augare, Blewett, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 249, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 323 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 362 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Blewett, D. Brown, Caferro, Fielder, Hamlett, Rosendale, Sales, Van Dyk, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 210 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 42

Nays: Boulanger, Priest, Sales, Sonju, Vincent, Walker, Wittich, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 203 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 37

Nays: Arntzen, Boulanger, Jackson, Moore, Priest, Sales, Sonju, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 68 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll,

Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 39

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, Priest, Ripley, Sales, Sonju, Walker, Wittich, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 385 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Caferro, Kaufmann, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 352 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Priest, Sales, Sonju, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 459 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 42

Nays: Barrett Dick, Caferro, Facey, Kaufmann, Malek, Phillips, Wanzenried, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 314 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 562 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 24 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 43

Nays: Boulanger, Priest, Sales, Sonju, Walker, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 38 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: Mr. President.

Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 21 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 195 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 25 - Senator Arthun moved consideration of **SR 25** be passed for the day. Without objection, so ordered.

On Sunday, March 25, 2013, the Montana Legislature met to recognize and record the passing of former members of the Senate and House of Representatives . Memorials of those members are included in this journal beginning on the following page.

MOTIONS

Senator Ripley moved **SB 280** be re-referred to the Finance and Claims committee. Without objection, so ordered.

Senator Ripley moved **SB 375** be re-referred to the Finance and Claims committee. Following objection from the floor, the motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jones, Moore, Murphy, Olson, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 22

Nays: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, March 26, 2013, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 5:18 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

BISHOP, ALFRED LEWIS

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECORD THE PASSING OF ALFRED LEWIS BISHOP ON JULY 20, 2012.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF EACH FORMER COLLEAGUE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO THEIR CAREERS ARE HEREBY NOTED:

Alfred Lewis Bishop was born in Laurel, Montana on February 19, 1925 to Rush Floyd and Laura Mae Bishop. He graduated from Laurel High School in 1943, having excelled in football and pheasant hunting. During his senior year at Laurel High, Al enlisted in the Army Air Force as an Aviation Cadet. While in the service, he spent 22 months in Africa, Italy, France and Germany with the 12th Air Force.

In August 1947, Al married Caroline Frankfurth in Great Falls. They had two children, John and Deborah. He received his law degree at the University of Montana Law School and practiced law at the firm of Cline and Hendrickson, which later became Hendrickson and Bishop. He practiced law with his daughter Deborah at Bishop and Bishop until his retirement in 1986. After 43 years of marriage, Al's wife Caroline passed away in 1991. In November 1992, Al married Elayne Cannon of Billings.

In 1977, Al was appointed as a Fish and Game Commissioner, and in 1980 he ran unsuccessfully in the Republican primary for governor of Montana. Six years later, he was elected to the State Senate, a seat he lost after four years but regained four years later.

Al was a hunter, fisherman, photographer, licensed elk guide, backpacker, mountain biker, and rifle and pistol NRA competitor. At age 62 he climbed Granite Peak, the highest mountain in Montana, by himself. He also authored a published novel entitled "Show No Mercy."

Al valued community involvement, was a member of St. Pius Catholic Church, Eagles, American Legion, and several labor unions. He belonged to the Phi Delta Phi legal fraternity, Billings Rod & Gun Club, Montana Wildlife Federation, Yellowstone Rifle Club, Audubon Society, and National Rifle Association. He was a director and vice-president of the Billings YMCA, past president of a Toastmasters, Past Master of Billings Lodge No. 113, A.F. & A.M. of Montana, a member of the Scottish Rite of Freemasonry, and the Al Bedoo Shrine Temple.

Al is survived by his wife, Elayne; his son, John and his wife Sally; his daughter, Deborah; his grandson, Travis and his wife Becky; his great-grandchildren Emilee and Brodie; his sister, Annie Schlesinger; his brother, Pat and wife Lois Bishop; and stepsons Tim and Shawn Cannon and their families.

Regretfully, Al did not receive one of his longtime wishes: to be buried in Butte so he could remain active in politics.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

BOHARSKI, BILL

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SENATE AND THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF BILL BOHARSKI ON OCTOBER 11, 2012 IN KALISPELL, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF BILL BOHARSKI BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Bill Boharski was the sixth of seven children born to George and Margaret Boharski on September 8, 1961 in Chicago. Five years later the family moved to Kalispell, where Bill graduated from Flathead High School in 1979. His life changed forever during his senior year at Montana State University, when a car accident rendered him quadriplegic. After surgery and rehabilitation, Bill graduated from MSU in 1985.

Bill returned to Kalispell in 1986 after a year in California as a mechanical engineer. He co-owned and operated a small business in downtown Kalispell and worked as an engineer at Semitool. In 1988 at the age of 27, William was elected to the Montana House of Representatives. During his years in the Legislature, his mother Margaret worked alongside him as a legislative aide. As a legislator, Rep. Boharski was an early advocate for extending protections to the North Fork of the Flathead River.

After serving five terms in the Montana House of Representatives , Bill shifted his political attention to his hometown of Kalispell. With the desire to make a more direct impact on the community, he was elected mayor of Kalispell, serving from 1998 to 2001. As a member of his community, Bill sang with the Flathead Valleyaires chorus and was an active member of St. Matthew's Parish, serving on the parish council. He also taught at Flathead Valley Community College. Bill said in an interview, "My life is set. I'm in a wheelchair until I die, and I'm generally a pretty happy person about that. I enjoy working on problems, whether it's designing something for Semitool or whether it's finding a better way for the city of Kalispell to work...whichever it might be, that's fun to me."

Bill is survived by his father, George, siblings Eileen, Michael, Jennifer, Lorrie, Steve and his wife April, and David; and by his girlfriend Ione Alcantar. His many nieces and nephews have fond memories of childhood rides on the back of Uncle Bill's wheelchair.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

BUSH, WILLIAM H.

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF WILLIAM H. BUSH ON MARCH 28, 2011 IN POLSON, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE WILLIAM H. BUSH BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

William H. Bush was born in Glendive, Montana on June 27, 1924, to Frank and Ruth Bush. Three years later, the family moved to Milltown.

As a very young man, Bill enlisted in the Marines at the start of World War II. He served in the South Pacific war zone until the end of the war, after which he was honorably and medically discharged.

Bill served as a state legislator during Governor Nutter's term in 1961-1962. In Missoula he worked in the furniture business and real estate. Bill was an enthusiastic hunter and fisherman and remained active in sportsmen's organizations. He was also a lifetime member of the Missoula Elks.

Bill is survived by his daughter, Debbie Anderson; brothers Richard and Gerald; and sisters Mary Beth Hatch and Peggy Timmer.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO

THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

COMBS, PETER T.

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF PETER T. COMBS ON DECEMBER 1, 2012 IN ENNIS, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE PETER COMBS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Peter was born in 1928 in Santa Ana, California to Walter and Dorothy Combs, as the youngest of three sons. At age 17, Peter joined the Navy. During World War Two and later in the Korean War he served as an engineer on a destroyer in the Pacific. Between wars he earned a degree in civil engineering at the California Maritime Academy. After the Korean War, Peter worked as a civil engineer for Orange County.

In 1950, Peter married Virginia Beardsley and together they had five children. In 1960, Peter and Jinny struck out in grand entrepreneurial fashion to Ennis, Montana, and moved their family to the Diamond J Ranch. Guest ranching was the first, but not the last entrepreneurial endeavor for the Combs family. Peter's impressive resume went on to include cattle ranching, banking, and town grocer.

Peter also dedicated his life to civic pursuits. He was a Shriner, Lion, Mason, and served on numerous community boards in addition to his time in the Montana Legislature. He was particularly dedicated to preserving the beauty and heritage of the downtown of his beloved Ennis. A beautiful park on Main Street bears his name.

Peter's many hobbies included sailing, golf, riding and driving horses, traveling, and photography.

Those that knew Peter will remember him as a man of passion, energy and creativity, with a great sense of style and fondness for bolo ties. He was a wonderful entertainer and story teller.

Peter is survived by his children, Peter Jr., Virginia, Tim and Bruce, 10 grandchildren, and four great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

DZIVI, DICK

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECORD THE PASSING OF DICK DZIVI ON OCTOBER 19, 2012.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF DICK DZIVI BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

On October 19, 2012, Dick Dzivi died from complications of Lewy Body Dementia and other illnesses he had suffered from for a long time. Dick was the much beloved husband of Anita Marie Dzivi.

Dick was born on February 19, 1936, in Kalispell, Montana to Joseph Dzivi and Margaret Lawless Dzivi. He graduated from Flathead High School where he excelled in academics and on the Flathead Braves football team as the middle linebacker. Following graduation from high school, Dick was actively recruited by both Montana State University and the University of Montana. Ultimately, he attended the University of Montana at Missoula where he became their star middle linebacker and was frequently described as a "pillar of strength." Dick earned a bachelor's degree in business with a minor in history. He then enrolled in the law school and graduated second in his law school class just behind his best friend and law partner, William Conklin.

Dick had a colorful career in Montana politics and among his accomplishments he was most proud of serving the State of Montana as the Senate majority leader in 1971. He was well respected by both Democrats and Republicans in the Senate because he was fair and a man of his word. Dick ran unsuccessfully for governor in 1972, but the experience was nonetheless a very good one for him.

Dick had a long career as an attorney practicing all over the state but particularly in Great Falls. Dick enjoyed helping his clients but he hated to charge them anything for his services. He represented many,

many people pro bono because, having grown up poor, he understood the hardships that so many people go through in life. Dick retired from the practice of law in 1999 due to ill health.

In 1991, he married the love of his life, Anita Marie Dzivi. Together they raised Anita's four children. Later, ten grandchildren entered their lives and these grandchildren were the lights of Dick's later years. Dick is survived by his wife, Anita, three children from a previous marriage, namely, Pamela Nelson of Ephrata, Washington, Kathy Thompson of Missoula, Montana, and Bart Dzivi of Sausalito, California; his beloved sisters Delores (Dick) Ellifritz of Oceanside, Washington, Margaret Cramm of Missoula, and a half brother Barney Davidson of Reno, Nevada; his four stepchildren, Eric (Jessica) Wilsey of Great Falls, Brenda (Jason) Nickisch of Great Falls, Diana Wilsey of Missoula, and William Frey of Great Falls; his ten grandchildren with Anita: Jackson, Alyson, Thaeoden, Isaiah, Olivia, Naomi, Hannah, Isaac, Solomon, and Serai; his three grandchildren from a prior marriage: Adam, Rebecca, and Judd; his best friend and law partner, William Conklin of Seattle, Washington; many nieces and nephews and friends whom he loved dearly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

EMERSON, CASEY

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECORD THE PASSING OF CASEY EMERSON ON OCTOBER 30, 2012 IN BOZEMAN, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF EACH FORMER COLLEAGUE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO THEIR CAREERS ARE HEREBY NOTED:

Casey Emerson was born October 25, 1925 in Devils Lake, North Dakota to Clarence and Anna Emerson. After spending his childhood on a farm in Devils Lake, he went off to Grand Forks to the University of North

Dakota, where he earned a teaching degree. While there, he met and fell in love with Bernice Jorde, with whom he eloped to Minnesota in 1948 after two years of courtship.

Casey began his teaching career in Oregon, where he taught for one year. He and Bernice then moved to Hardin, Montana, where Casey was able to teach and coach. In what would be the first of many entrepreneurial enterprises, they opened a Dairy Queen franchise in Hardin, while adding three children to their family.

In 1960, Casey packed up the family and moved to Bozeman, where he launched a 29-year career teaching math and P.E. in the Bozeman school system, where he later retired. The Emersons added two daughters to the family, and in 1969 Casey earned his Master of Education from Montana State University.

True to his entrepreneurial spirit, Casey created a fundraising business called School Mascots, and in 1978, Casey and Bernice started King Tool, a still thriving hand tool manufacturing company. His creative juices still flowing, he added the Montana Inventors Association to his growing list of startups. In his later years Casey won a seat in the State Senate. Service to others was of utmost importance to Casey.

In addition to coaching, Casey played golf and badminton. He founded the Montana Badminton Association and in later years competed on the national level in badminton, performing at the top of his age bracket in senior events.

In 2005, after 56 years of marriage, Casey suffered an enormous loss when his beloved Bernice passed away. Casey is survived by his sister, Ilene Wilderspin of Michigan; his brother and sister-in-law, Derby and Shirley Emerson of North Dakota; and sister, Maxine of Wyoming; as well as his children: Gary and Cathy Emerson, Steven Emerson, Susan and Terry Melson, and Jeni and Aaron Millikin; seven grandchildren; and seven great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

FJARE, ORVIN BENOINE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ORVIN BENOINE FJARE ON JUNE, 27, 2011 BIG TIMBER, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE ORVIN FJARE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Orvin Benonie Fjare was born on April 16, 1918, in Big Timber to Oluf B. Fjare and Abigael Hetland Fjare. He weighed 12 pounds, according to a set of fish scales. On June 27, 2011, at 93 years old, he passed away peacefully at home in the arms of his oldest daughter, Gail, with Kitty curled in the crook of his neck.

Orvin grew up on a sheep ranch outside of Melville. He attended Hedley School which was set in their pasture. During recess he herded the sheep back the other direction. He graduated from Sweet Grass County High School in 1937. In 1940, he volunteered in the U.S. Army. He graduated from Officer Candidate School as a Second Lieutenant. During this time, he asked his high school sweetheart, Sigrid Solberg, to marry him and she sent back a telegram that read "Yes!" They were married on Sept. 9, 1942 — a marriage that lasted over 66 years until Sigrid died in March 2009. He piloted B-24 bombers on missions in New Guinea, the Philippines and Okinawa, returning to Big Timber in 1945 as a captain. Orvin became active in many groups: Rod and Gun Club, Lions Club, American Legion, Masonic Lodge, Big Timber School Board, and he was selected as a Jaycees 10 Outstanding Young Men of America. He was persuaded to run for Congress and was elected as a Republican to the 84th Congress (1955-56) from the eastern district of Montana. After election to the state House of Representatives in 1959, Orvin ran unsuccessfully for the U.S. Senate in 1960. He became the state director of Advertising and Travel Promotion, 1962-69, then was appointed the director of FHA/HUD before retiring in 1978 and returning "home" to Big Timber.

Orvin was famous for his one-day family vacations visiting Yellowstone Park, balancing cups of water over cracked doors on April Fool's Day, taking naps anytime, anywhere, in front of anyone, talking without his teeth (to the delight of his grandchildren and chagrin of his wife and children) and smuggling trout from Hooper's ponds to trick others at the Annual Crazy Mountain Bash.

Orvin is survived by his beloved "Kitty!" (formerly known as "Socks" until he found out Bill Clinton had a cat of the same name) and his four children: Gail Fjare and Jon Fjare of Helena, Diane Braughton (Ronnie) of Billings, Nita Wheeler (Steve) of Bozeman and Billings; seven grandchildren: Jami Romney FitzGerald (Clint Romney) of Ninemile, Geoff FitzGerald (Kristi) and Kevin Braughton (Sonja Best) of Hamilton, Curt Braughton (Jenny), Tyler Wheeler of Billings, and Kyle and Abby Wheeler of Bozeman; three great-grandchildren: Kaiden and Kamas Romney (Ninemile) and Tira Braughton (Billings); several nieces and

nephews: Monte (Cheri) Fjare, Mark (Kathryn) Fjare, Heather (Ruth) Fjare, Sharon (Wes) Glover, Wayne (Theresa) Fjare and Jason Fjare. Orvin was preceded in death by his three younger brothers, Kenneth, Harold and David Fjare.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

GWYNN, WILLIAM GUY

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF WILLIAM GUY GWYNN ON APRIL 8, 2012 IN EUREKA, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE WILLIAM GWYNN BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Bill Gwynn, was born March 5, 1927, in Logan County, Ohio to Thurman and Edna Gwynn. When Bill was two and his older brother fourteen, the family strapped the sewing machine to the back of their Model T Ford touring car and drove west, through Yellowstone and Glacier National Parks. They made occasional stops to purchase baseballs for Bill, who was known to pitch a few of them out the side of the Model T. The family eventually settled into Tobacco Valley with Bill's Uncle Guy, on whos birthday he was born.

Like so many of his high school peers, Bill enlisted in the U.S. Navy during World War II, and returned to Eureka to graduate in 1948. He attended college at Centralia, Washington and returned home to his beloved woods. In June 1950, Bill married Edna McKenzie, and together they grew a family and a successful Christmas tree business.

Bill valued community service. During his lifetime, he served as a school board member, mayor and Democrat State Representative in 1975. He also coached Tobacco Valley youngsters in Little League, Babe

Ruth and American Legion baseball. His coaching legacy lives on today in his tips that have been passed on for generations. In the 1950s, he helped organize and played "town team" baseball and basketball. He was a faithful fan of the Lions of Lincoln County High School. He was committed to teaching the young people of his hometown the value of hard work by providing them with jobs. He also taught the importance of honesty, being as good as one's word, and a strong handshake.

Bill developed a fondness for and pride in restoring antique vehicles. He refurbished a car for each daughter and also took great pride in their 1930 Lincoln Limousine, originally a Glacier National Park VIP car. He designed and built a truck camper that has become the source of fond memories of regular camping trips for his family. Bill enjoyed singing to his children and grandchildren, dancing at the local community hall dances, playing cribbage, pinochle and bridge.

Bill is survived by his wife Edna; daughter Cindy and husband Larry Viano; daughter Susie; daughter Shelley and husband Tom Shay; daughter Kelley and husband Terry Comstock; son Cade and wife Samantha; and son Colter and wife Amanda, along with his many grandchildren and great-grandchildren. He also leaves behind his dog Lizzie at the family home.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

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BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

HARDING, ETHEL

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ETHEL HARDING ON FEBRUARY 1, 2013 IN POLSON, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE ETHEL HARDING BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HER CAREER ARE HEREBY NOTED:

Ethel Marie Harding was born in Fishtail, Montana on September 19, 1927, the second daughter of Milton and Marguerite Israel. She was raised on farms west of Billings, and graduated from Billings Senior High. In 1943 she married Warren G. Harding, also from Broadview. After their marriage, Warren was shipped off to the European front in World War II. During the 31 months he was overseas, Ethel finished school and went to California to live with an aunt. While there, she attended business college and worked to save money.

In 1954, Ethel, Warren and their two young children moved to a ranch west of Polson. While ranching, Ethel launched her business career in the Sheriff's Office of Lake County, where she was secretary and deputy sheriff. She moved on to become Deputy Clerk in the Clerk of District Court's office. From there she ran for the job as Lake County Clerk and Recorder and held that office from 1966 until 1984. Ethel became a Montana State Senator from District 25 until leaving office in 1996.

“She was a fine lady, a strong person, just a good all-around person,” said former Montana Supreme Court Chief Justice Jean Turnage of Polson, whose decision to run for the high court in 1984 opened the door for Harding to seek what had been Turnage’s Senate seat.

In 1974, tragedy struck Ethel’s life. Her daughter Lana was murdered. After leaving public office, Ethel’s energies turned to the development of a children's ministry in Lake County. This ministry has grown and expanded through the years, and has impacted the lives of countless children, young people and their families.

Ethel is survived by her son and daughter-in-law, Greg and Kim Harding; grandchildren, Jayme and Keegan Lenker, Tyler and Katie Harding, Jenna Harding, and Trenton Harding; great-grandchildren; three sisters, and numerous and beloved nieces, nephews, aunts, uncles, cousins, and friends.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

HAYNE, HARRIET ANN DANIELSEN

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF HARRIET ANN DANIELSEN HAYNE ON FEBRUARY 13, 2012 IN CONRAD, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE HARRIET HAYNE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HER CAREER ARE HEREBY NOTED:

Harriet Ann Danielsen was born at home on September 11, 1922, on Puget Island, Washington, the seventh child of Angeline and Albert Danielsen. After graduating from Wahkiakum County High School, she attended Heald College in San Francisco. In 1943 she enlisted in the newly established U.S. Marine Corps Women's Reserve and was part of the second boot camp trained at Hunter College in New York City. Stationed in San Francisco, she met U.S. Navy officer Jack Hayne. When their service ended in April 1946 Jack and Harriet married in New Orleans.

With the benefit of the G.I. Bill, Harriet and Jack attended Washington State College. In 1953 they moved their new family to a ranch in Dupuyer. Harriet led a busy, industrious life as a ranch wife and mother of four children.

For 58 years Harriet served as an active member of her community and state. She worked for the Republican Party and represented her district in the Montana House of Representatives for 20 years, often assigned to chair number one in the chamber. Through the years she participated in the Dupuyer Women's and Community Clubs, Dupuyer community plays, Girl Scouts, 4-H, American Legion Auxiliary, Cowbelles, and Agriculture in Montana Schools. Harriet was a Girls State counselor for 12 years. She sang in the choir of the Valier Lutheran Church and provided music for weddings and funerals. Harriet was known for boundless enthusiasm and wholehearted effort in all her endeavors.

In 1997 the Montana National Guard Association and the Enlisted Association of the National Guard of Montana honored one legislator for their support of veteran and military issues. Harriet became the first recipient of this award, known as the Colonel Harry C. Kessler “First Montana Volunteer” Award. She was honored, not only for her support for the Montana National Guard and veterans, but also for her status as the only female veteran in the 55th Legislative Session.

Harriet is survived by Jack, her husband of 65 years, daughter Mary and her husband David Tonkovich; son John and wife Leanne Hayne; daughter Ali and husband Robert Newkirk; and daughter Nancy and her husband Dennis Williams; her sister-in-law, Suzi and husband Jim Vander Stoep, as well as many grandchildren, nieces, nephews, great-grandchildren and friends.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

HERTEL, JOHN RAYMOND

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JOHN RAYMOND HERTEL ON AUGUST 11, 2012 IN LEWISTOWN, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE JOHN RAYMOND HERTEL BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

John was born May 9, 1940, in Lewistown, Montana, to Wilmer and Margaret Hertel. He attended grade school at the Trout Creek School and graduated from Moore High School in 1958. He graduated from Rocky Mountain College with a degree in biology and physical education. In September 1959, John married Dixie Campbell. They had three children, Karen, Steven and Tawnia.

John taught school in Moore and Denton for a total of eleven years. In addition to teaching, he coached basketball, football and track. As boy's basketball coach in Denton, he earned the distinct honor of leading the first and only team since to the State Tournament in 1970. In 1973, John and his family moved back to the Hertel Ranch south of Moore, where John farmed and ranched with his father and, later, his son.

John was involved with community activities and organizations. He served on a number of boards and was a 4-H leader, a member of the United Methodist Church in Moore and the Judith Masonic Lodge. John was elected to the Montana State Senate for two consecutive terms and proudly served for eight years, where he chaired the Business and Industry Committee and was vice chairman of the Education Committee. Other committees he sat on include Fish Wildlife & Parks, Local Government, State Administration, and the Private Lands Public Wildlife Council.

John was a hard-working man, dedicated to his family and to his beloved ranch. Being a part of the lives of his children and grandchildren was important to him. He enjoyed hiking, camping and all kinds of music. He is remembered as a man of wisdom, thoughtfulness, humor and hard work.

John is survived by his wife of 53 years, Dixie; children, Karen and Bruce Barta, Steve Hertel and Denise Chrest, Tawnia and Heath Gerber; grandchildren, Timothy and Kassie Barta, Richelle and Shayna Hertel, and Autumn Gerber; sisters, Margaret Witzel, Jean and Harry Strong; cousins, nieces, nephews and his many friends.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

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HOCKETT, ROBERT GEORGE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ROBERT GEORGE HOCKETT ON MAY 7, 2009 IN HAVRE, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE ROBERT HOCKETT BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Robert was the oldest of three sons, born September 12, 1925 on the family homestead, southwest of Havre, to George and Sophia Hockett. He attended a one-room country school near the farm before moving up to Havre High School, where he graduated in 1943. He worked for Great Northern Railroad for one year before being drafted into the army, where he served as an MP in Puerto Rico.

After his service, he returned to the railroad in Havre, and then attended college at MSU Bozeman, where he graduated with a degree in Agriculture Education in 1951. After graduation, he returned home to run the farm, in addition to working for the Soil Conservation Service, and later as a surveyor for Hill County.

He then began an extended career teaching mathematics, auto and diesel mechanics and welding at Northern Montana College. In 1967 Bob earned his Master's Degree in Industrial Arts at Oregon State University. It seems he could not stay away from Havre for long, for he returned to Northern Montana College until his retirement, by this time as Dean of the Vo-tech Division. Bob continued his affiliation with the college with part-time work for their Foundation for six years. Not one to be idle, Bob also carried on farming full time with his son Jeffry.

Bob was a state senator from 1991 to 1994. He was active in numerous organizations and served on several boards, including Farmers Grain Exchange, Soil and Water Conservation, and Northern Montana Hospital. In 2003, Bob was honored to become the recipient of Ag Leader of the Year. He was a lifelong member of First Lutheran Church and is known for his particular dedication as ice cream server at the church's lutefisk dinners. Education was highly valued by Bob, and he was proud that all five of his children graduated from college.

Bob is survived by his first wife Voila Joyce, second wife Jessie, and five children: Melanie and Joe Ruby; Lorrie Hockett; Jeffry and Kayleen Hockett; Kathie and Abdul Kadri; Sherrie and Wayne Hockett; His grandchildren: Greg Strandberg; Shayne Guttery; Michele Hockett; Zane and Lacey Gibbons; and his brothers: Roy Hockett and Eugene Hockett.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE FIFTY-SIXTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

JONES, DAPHNE BUGBEE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECORD THE PASSING OF DAPHNE BUGBEE JONES ON FEBRUARY 18, 2012 IN MISSOULA, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF DAPHNE JONES BE

FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HER CAREER ARE HEREBY NOTED:

Daphne Bugbee Jones was born on July 21, 1921, in Pensacola, Florida, to Lt. Robert and Barbara Eaches. Daphne began school in southern France, and continued her elementary and secondary education in California at the Howard School in Montecito and Bishop's School in La Jolla. She entered Mills College in 1940 and transferred to Bennington College one year later.

With the eruption of World War II, Daphne enlisted in the U.S. Navy as a WAVE, and was stationed in San Francisco. As a lieutenant, she was assigned to the Patrol Force on Treasure Island, where she worked for three years coding and decoding secrets and confidential messages for the Patrol Force that protected the larger San Francisco area. After the war Daphne carried on her education at Harvard's School of Design, where she earned a master's degree in architecture. While at Harvard, Daphne met Henry Bugbee, whom she married in 1948. Ten years later they moved to Missoula where Henry taught at the university and Daphne became immersed in politics and architectural design. The two later divorced.

Daphne became a full-time legislative lobbyist in Helena for the League of Women Voters of Montana, advocating for major governmental reforms. She worked on efforts to pass the state's first minimum wage in 1971. She was elected as one of eight delegates from Missoula County to be sent to the Montana Constitutional Convention. Later, Daphne was called to serve briefly in the Montana Legislature to fill a vacancy.

In 1980, Daphne married Dr. Wendell Jones. Before his death in 1998, they spent their years together traveling, golfing and enjoying time with friends.

Daphne is survived by her son, Henry (Taj) and his wife Kim; her daughter, Barbara Heavy Runner; four grandchildren, Dylan Bugbee, Olivia Bugbee Bucks, Danny Nisbet, Eugene Heavy Runner; one great-grandchild, Elliott Bucks; six stepchildren, Ann Berkley, Joan Bugbee Jackson, Bruce Bugbee, Mary Ann Jones, Sarah Jones, David Jones; and five step-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE

MONTANA HISTORICAL SOCIETY.

KESSNER, JACK E.

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JACK E. KESSNER ON SEPTEMBER 21, 2011 IN GREAT FALLS, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE JACK E. KESSNER BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Jack was born in Great Falls, Montana on October 26, 1929, to William and Audrey Kessner. He grew up on a ranch in Brigham Coulee near Raynesford and graduated from Belt Valley High School. He attended Montana State College in Bozeman for two years and graduated from Kinman Business University in Spokane, Washington. He worked as bookkeeper for Sherwin-Williams before starting his own business, Jack Kessner Builders.

Jack married Verna Johns in 1955 and they had two children, Kurt and Kari. A year later, he and his brother William, along with Horace-McGinty, began development of Riverview in Great Falls. In 1973 and 1974 he served as a State Representative in the Montana State Legislature. Then in 1982, after building more than 600 houses, Jack retired.

Jack had a great love of trap shooting. He shot on the state team, sat on the State Trap Shooting Board and was instrumental in building the Great Falls Trap Club, where he served as president. He loved his family, and enjoyed skiing, good food, gun collecting, traveling, morning coffee with friends, having Friday beers and cooking corned beef and cabbage for 70 of his closest friends on St. Patrick's Day.

Jack is survived by his son, Kurt and wife, Laurie Kessner; daughter Kari and husband Mike Tierney; and grandchildren Halsey and Brit Kessner and Hannah, Jack, Bridget and Maegan Tierney.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE

SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

LOWE, WILLIAM R.

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECORD THE PASSING OF WILLIAM R. LOWE, SR. ON SEPTEMBER 2, 2006.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF WILLIAM R. LOWE SR. BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

William R. "Bill" Lowe, Sr. died September 2, 2006, from complications of a fall and head injury. Born in Glendive on February 21, 1915, to Ray and Francis Lowe, he grew up with his older sister Ruth, and graduated from Dawson County High School in 1933. He went to De Pau University on a scholarship and became a member of Delta Tau Delta fraternity. He transferred to the University of Minnesota and earned a degree in Civil Engineering.

Bill was musically gifted. He learned to play the saxophone as a young boy and played a saxophone solo with the John Phillip Sousa Band at age 5 when it toured through eastern Montana in 1920. Bill enjoyed playing the piano his entire life, playing in church as a young boy, in a dance band in college, every Wednesday at the Mission Ridge Vespers services, and at any other suitable occasion. Bill played the piano by ear with expertise up until the last two weeks of his life.

Bill literally married the girl next door, Ruth Constance Westrum, in June of 1939; they stayed happily married for the next 67 years. When the U.S. entered World War II, Bill enlisted in the Navy, leaving behind his young, pregnant wife and 2-year-old daughter. He served in the Seabees and spent the war years carving out runways and building support facilities for the war effort in the jungles of the Philippines and New Guinea. With the end of the war, Bill returned to his young family, which now included a 6-year-old daughter, Pamela, and a 4-year-old son, Jim. He had the opportunity to go into the construction business and became a partner in Riedesel Construction. Over the years, the company transitioned and eventually became Lowe Construction. A private plane pilot, he served on the airport commission and was instrumental in keeping Logan Field at its present location when it might have been moved to Broadview. Bill was a Senator from Yellowstone County in the 1970's. He was a founding member of ZooMontana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE FIFTY-SIXTH LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

MAZUREK, JOE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JOE MAZUREK ON AUGUST 28, 2012 IN HELENA, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE JOE MAZUREK BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Joe was born July 27, 1948, in San Diego to Priscilla and Thomas Mazurek. Nine months later, his family relocated to Helena, where he graduated from Helena High School in 1966 after serving as student body president. Joe attended the University of Montana, and upon graduating, he married Patty, his high school sweetheart, in 1970. For the next two years he served his country as a First Lieutenant in the United States Army. He then returned to the University of Montana, where he graduated from the School of Law in 1975. He went on to practice law in Helena until 1992, during which time he served three consecutive terms in the Montana State Senate, serving as Senate President and chairman of the Judiciary Committee. In 1992 he was elected as Montana's Attorney General, a position he held until 2000.

Throughout his professional and political career, Joe was known for his integrity, honesty and respect for ethics. He was a unifying leader and bridge-builder. He was an extraordinary political leader revered for working across party lines to advance the best interests of the people of Montana. As a point of pride for Joe, he worked to pass spending increases for K-12 and higher education while in the Senate, led the state's involvement with the FBI to bring the Freemen standoff in eastern Montana to a peaceful conclusion, secured Montana's settlement against the tobacco companies and argued successfully before the U.S. Supreme Court as Attorney General. He was a commissioner of the National Uniform State Law Commission

from 1984 and was designated a “life member.”

Joe was recognized for his exceptional accomplishments and service when he received the University of Montana Distinguished Alumni Award in 2010. Despite his own humility, he was praised as a man of distinction, honor and decency. Joe was deeply committed to his family and guided his sons to “work hard and make your family a good name.”

Joe is survived by his wife, Patty Mazurek; sons, Tom and wife Kathryn Mazurek, Jeff and wife Danielle Mazurek and Dan Mazurek; and siblings, Byron, Charles, Bill, David, Sonia and Nancy Mazurek, as well as two grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

McKEON, JOHN LUKE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JOHN LUKE MCKEON ON DECEMBER 2, 2011 IN ANACONDA, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE LUKE MCKEON BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

John (Luke) McKeon was born October 6, 1925, to Michael and Mary McKeon. Like all Anaconda natives, he was raised in the shadow of the stack. He lived most of his life a few blocks from his original family home. As part of the “Greatest Generation,” his early life was shaped by the Depression, school, religion, sports, and World War II. He graduated from St. Peter’s High School and then enlisted in the Coast Guard from 1943 to 1946. Luke saw action fighting in the Aleutian Islands. While in combat, Luke was shot and took great pride in his status as a Disabled American Veteran.

After the Armistice, Luke returned to Anaconda where he married Margie Eklund and from that union four children were born. They later divorced. With the help of the GI Bill, Luke completed an undergraduate degree in two years, and earned a law degree two years later. While working in Helena in the attorney general's office, he met Harry Truman and rode the train with him on the famous Truman whistle stop-tour through Montana.

After a time in Helena, Luke returned to Anaconda and started a small private law practice. He ran for county attorney and served one term. With politics in his blood, Luke ran for and won a seat in the Montana Senate. He was appointed chairman of the Senate Judiciary Committee, a position he held for a number of terms. In 1964, he ran for lieutenant governor and took second in a field of six Democrats in the primary. With three other individuals, Luke contributed his legal and political talents so that financing was secured for the development of Fairmont Hot Springs. He served on the Anaconda-Deer Lodge Council of Commissioners, was a past post commander of the Veterans of Foreign Wars, a member of the Ancient Order of Hibernians and Knights of Columbus, was appointed a member of the Commission of Post Secondary Education by Gov. Thomas Judge, and served on the Anaconda school board.

Luke spent the rest of his life practicing law. He devoted a large amount of his time to helping friends and others without charging a fee, winning the admiration of local people.

In 1987, Luke and Ellen McCarthy married. Luke is survived by, Ellen; sons, Mick and Carol McKeon; Tim and Helen McKeon; daughter, Michele and Paul McCann; a brother; seven grandchildren, a great-grandchild; brothers-in-law and sisters-in-law; numerous nieces and nephews; and his loyal dog, Buddy.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

McLANE, HARRY

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF HARRY MCLANE ON MAY 24, 2011 IN MESA, ARIZONA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE HARRY MCLANE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Harry H. McLane was born August 22, 1925 in Minot, North Dakota, son of Kenneth and Muriel McLane. He attended school in Minot, joined the ROTC and after graduation attended the University of Kansas. During this time, he found himself serving in World War II in the 342nd, 86th (Black Hawk) Infantry Division of the U.S. Army. Toward the end of the war, while serving in Europe, Harry was captured and held prisoner until the war ended. Having survived his captivity, he arrived safely back on his home soil and enrolled in optometry school in Chicago. Upon graduation, he practiced one year before opening an office in Laurel, Montana, where he spent the next 35 years.

In 1951, Harry married Jean Baird and adopted her son. Harry was very active in his community, with memberships in the Laurel Chamber, Masonic Lodge, Al Bedoo Shrine, American Legion, Kiwanis, Rotary, V.F.W. and Elks Club. After retirement he ran for the Montana State Senate and served two sessions before moving south to Arizona.

Harry is survived by his wife Jean, son Norman and wife Kathy McLane, daughter Shannon and husband Gary Brown, a granddaughter, two great-grandchildren, a sister, and numerous nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

McNAMER, BILL

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF BILL MCNAMER ON MAY 16, 2011 IN BILLINGS, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE BILL MCNAMER BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

William McNamer was born in Shelby, Montana on October 19, 1928, the youngest child of Bruce and Lucy McNamer. He attended college at the University of Montana and Gonzaga University, earning a law degree in 1955. Bill served in the Korean War as an infantry platoon officer. Upon his return to Montana, he moved to Billings, where he practiced law for close to 50 years, and served the State of Montana as a Republican in both the House of Representatives and the State Senate.

Bill met Elizabeth Forster on a ski trip to Aspen in 1961, and they were married in May of that year. He is survived by Elizabeth and five children: Bruce, Sarah, Bridget, Amy and Deirdre; and eight grandchildren.

Bill was active in many community organizations including the Republican Party, Billings Symphony, Community Concert, YMCA, and St. Patrick's Church. He serves as special advisory to Bishop Milone and received the Frank Haswell Award for outstanding article on "Defending a Legal Malpractice Action" in 1991. He was a loving, kind husband, father and friend.

Bill loved his family and was devoted to them. His other great passions were singing, his Catholic faith, and service - he was in every way a "Man for Others." His hobbies included fishing, the melodeon and tennis.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

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MULAR, JAMES

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JAMES MULAR ON NOVEMBER 6, 2010 IN BUTTE, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE JAMES MULAR BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

James Mular was born October 23, 1929, the oldest of six children to Harry and Lena Mular. In 1945 he left high school to join the Marines, where he served our country for seven years in Korea during World War II. After returning from his service in 1952, Jim attended college in Dillon. While there, he met Florence Johnson, and in 1954 they were married. They raised their only son, Mark, until his untimely death in 1978.

While working for the Northern Pacific Railway, Jim undertook the LaSalle Home Law Course and used his newfound knowledge to become elected to the Montana State Legislature. During his time as a lobbyist for the Transportation Communication Union, Jim was involved in setting up an aid relief center for the striking miners by asking ranchers and farmers to donate beef and potatoes to their families. He also asked local merchants to donate shoes for the children. He is remembered for his humility in helping others.

Jim is survived by his wife, Toni; brothers, Andy and Ruby Mular, and Harry and DeeDee Mular; sister Zana and Skip Ankeny; sister-in-law, Gertrude Mular; brother-in-law, Jim Hayden; and many nieces, whom he always treated as if they were his own daughters.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

NEFZGER, DONALD DEANE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF DONALD DEANE NEFZGER ON DECEMBER 31, 2005 IN GLENDIVE, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE DONALD NEFZGER BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

On November 5, 1921, Donald Deane Nefzger was the ninth child born to Charles and Catherine Nefzger at their farm near Vida, the town his grandfather had founded in 1910. He attended grade school at the Wolf Creek School, on property donated to the school by his father. He graduated from Wolf Point High School in 1941 and enlisted in the Army Air Force shortly after the Japanese attacked Pearl Harbor, where his brother was stationed. He was very proud of his service to his country as an Airplane Maintenance Technician on B-25 bombers with the 82nd Bombardment Squadron. He served under Generals Patton and Montgomery in North Africa, Sicily, Italy, India and Burma. Having circled the world in his travels, he returned to Vida on his father's birthday in May of 1945. He chronicled his travels in his book "Around the World the Hard Way," which was very popular with his large extended family.

In 1946 Donald purchased his first three-quarter section of land from his uncle. Fifty-five years later, in 2001, he left the land on which he had lived, just one-half mile from the place of his birth, to retire to Glendive.

In September of 1950, Donald married Anna Schlenker, and together with their three children they farmed several sections of wheat, barley and safflower, and ran a few head of cattle. Donald loved farming and watching crops grow. When he wasn't fixing something on the farm with his trusty pliers and bailing wire, he might be found reading westerns or watching his sons play baseball, basketball and football. He was a spectacular storyteller, reminiscing with great humor about his childhood during the homestead days.

Donald served in the Montana State Legislature as a representative from McCone County from 1965 to 1966. He was active in the Veterans of Foreign Wars Post 4813, advancing through local, district and state posts. He served as State Commander from 1972 to 1973 and later as National Judge Advocate. He was also a member of the Wolf Creek School Board and Wolf Point Elks Lodge.

He is survived by his wife Anna and three children, Dan Nefzger, Deanna and Craig Hostetler, and Darrell and Patti Nefzger; one sister, Fern Garding; a brother, Bob Nefzger; brothers-in-law, Ray Miller and Kermit Tjon; and many nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE

OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

NELSON, RICHARD

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF RICHARD NELSON ON FEBRUARY 16, 2012 IN KALISPELL, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE RICHARD NELSON BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Richard Morton Nelson was born in Denver, Colorado on November 19, 1925, to Alfred and Marion Nelson. He graduated from Denver University in 1944, obtained a master's degree from Montana State University and earned his library endorsement. He taught physics, chemistry, and algebra for 35 years until he retired from teaching in 1984. One year later, he was elected to the Montana State Legislature, where he served three terms.

In 1956, Dick married Alice Curry in Hope, North Dakota, and together they had a son.

Dick was on the Kalispell Parking Commission, a member of Lodge 42 of Kalispell, a Master Mason, and an advisor for DeMolay for 14 years.

Dick is survived by his wife, Alice, and son, Douglas G. Nelson; grandson, Douglas J. Nelson and wife, Karen; sister, Carolyn Fenner, and husband James; and great-grandchildren, Caleb Mouw, Sarah and Peter Nelson.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

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THEIR GREAT AND IRREPARABLE LOSS;

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NICHOLS, NORRIS

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF NORRIS NICHOLS ON JUNE 22, 2011 IN STEVENSVILLE, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE NORRIS NICHOLS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Norris Nichols was born in Stevensville on November 11, 1913, the son of Homer and Verda Nichols. He attended Stevensville schools and graduated in 1932. Two years later, he married Virginia Strange. They farmed and ranched in the Etna area of the Bitterroot Valley for 59 years. He was a member of the Western Montana Sugar Beet Growers Association, serving as president of the National Beet Growers Association in 1963. He was also one of the original members of the Etna Rural Fire District and served as a trustee for the Etna elementary school district. He was a member of the Victor Masonic Lodge No. 43 and the Baghdad Shriners of Butte.

In 1954, Norris was elected to the Montana House of Representatives, where he represented Ravalli County for 20 years. For five sessions, he served as chairman of the Appropriations Committee. After 20 years and ten sessions, he hung up his political hat and went to work for the Montana Department of Revenue. After eighteen years there, he retired with his wife Virginia in Helena in 1991. He spent his last year of life back in Stevensville, having lost his beloved wife of 62 years in 1997.

Norris is survived by sons, Gib and Sally Nichols, Ben Nichols and special friend, Sabre Jensen; daughter, Karyl and Charles Arndt, brother, Rex and Bonnie Nichols; four grandchildren, and nine great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN

THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

O'HAIR, ALLYN W.

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ALLYN W. O'HAIR ON APRIL 7, 2007 IN LIVINGSTON, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE ALLYN O'HAIR BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Allyn was born November 18, 1910 in Dickinson, North Dakota, to James and Adeline O'Hair. As a young boy, his family moved to Terry, then to Minnesota. After completing his schooling, he found work wrangling wild horses and working on threshing crews in eastern Montana. During the Great Depression, Allyn joined the thousands of young men who rode the rails throughout the country in search of work, earning money to send back to their families.

In 1931 his travels landed him in Livingston, where he went to work on the Paul Armstrong Ranch south of town. It turned out that Mr. Armstrong had a daughter named Agnes, and in March of 1936 a wedding was celebrated on the ranch. Together, Allyn and Agnes assumed the management of the ranch and went on to have four children. Years later, in the 1970s, they established Armstrong's Spring Creek and for the next thirty years welcomed sport fishermen onto one of the finest spring creeks in the world.

Over the course of his many years in Park County, Allyn was active in a number of civic organizations and offices. He was past president of the Park County Pioneer Society, member of Livingston Rotary Club, chairman of the Park Branch Canal Association, member of Richland school board, Park County planning board, a director of the Park County Conservation District, member of the American Hereford Association, 4-H leader, and served two terms in the Montana Legislature.

Allyn is survived by two sons, Jerry and Virginia O'Hair; Andy and Karen O'Hair; two daughters, Mary and Russ Dolven; Bonnie and Jim Francis; a brother, Wally and Virginia O'Hara; six grandchildren, 12 great-grandchildren, and numerous nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

O'NEIL, CARLE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF CARLE O'NEIL ON JANUARY 31, 2013 IN KALISPELL, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE CARLE O'NEIL BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Carle Francis O'Neil was born in Kalispell to Clinton and Emma O'Neil on June 17, 1920, the youngest of four surviving children. He attended the West Side School and Flathead High School, and then went on to Carleton College, where he graduated with distinction in 1943.

During World War II he enlisted in the Navy and served in Hawaii, then as a Lieutenant Junior Grade ship's officer in the South Pacific. After the war he returned to Montana, where he earned a masters degree in history at the University of Montana. He returned to Kalispell as the juvenile probation officer and served as a State Representative of Flathead County in the Montana Legislature. Later, at the University of California he obtained a Master of Social Work degree with a criminology emphasis.

In 1962, while directing the Eldora State Training School for Boys in Eldora, Iowa, Carle married Joyce Rowland and adopted her two children.

Upon retirement in 1973, Carle returned to the Flathead Valley and became a partner in Western Building Center. He was a member of the Montana Board of Public Welfare and served seven years as chairman of the Juvenile Justice Advisory Council of the State Crime Commission. He and Joyce moved to Washington, D.C. for several years, where Carle directed a project of the National Organization for Social Responsibility.

When they again returned to the Flathead, Carle's interest in history launched him into a decade of writing and publishing books relating the history of the Flathead Valley, as well as a book of Flathead National Guardsmen's World War II survival stories.

Carle is survived by his daughter, Anne Brown; two nieces, four nephews, members of Joyce's family and numerous other cousins, nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

PECK, RAYMOND LESTER

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF RAYMOND LESTER PECK ON MAY 27, 2011 IN HELENA, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE RAYMOND PECK BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Ray was born in Whitefish on June 23, 1926, to Pearl and Asa Peck, one of 14 children. After high school, he served as a tail gunner in the Army Air Force during World War II. After the war, Ray began his career as an elementary teacher in Gildford, and then moved to Harlem, where he taught and coached on the Fort Belknap Reservation. In 1951, he coached Harlem to a state championship in six-man football and stayed in touch with the members of that team all his life. His career took him to schools in Hingham and Big Sandy, then to the College of Professional Schools Office at Montana State University. He went north to teach at Northern Montana College and finally to the administrative offices of Havre Public Schools.

In 1947 Ray married Ilse Sonnek in West Germany and they had six children. They later divorced after 27 years of marriage. In 1975, Ray married Betty Collins and added her four children to the family. With

encouragement from his wife Betty, Ray ran for public office and was elected to the Montana House of Representatives in 1983, where he represented Havre for the next 18 years. During that time he was known as a knowledgeable and ferocious advocate for K-12 public education. In 1995 he was elected House minority leader and was the recipient of numerous local, state and national awards.

After leaving office in 2001, he stayed very active in politics. He worked with the Democratic Caucus in the Montana Senate, lobbied to abolish the death penalty in Montana, and provided counseling and support to combat veterans in the Vet2Vet program at Fort Harrison until his death.

Ray is survived by his partner, Annabelle Richards; three children; four stepchildren; two sisters; a brother; 23 grandchildren; and numerous great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

PINSONEAULT, RICHARD

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF RICHARD PINSONEAULT ON DECEMBER 14, 2012 IN NAVARRE, FLORIDA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE DICK PINSONEAULT BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Richard was born in St. Ignatius on October 15, 1929, to Gustav and Bertha Pinsoneault. He graduated from St. Ignatius High School, then attended the University of Montana, where he was a walk-on for the football team. He graduated in 1953 with a degree in physical education and promptly entered the U.S. Air Force. It was during this time that he met Marilyn Carlisle, and they were married in 1955. Mary and Dick traveled around the country and overseas to Johnson Air Force Base in Japan, where Dick played on what would

become the base's Far East Championship Football team. In 1957, he left the Air Force to return to the University of Montana, where he earned a law degree.

Dick entered the Naval Judge Advocate General Corps and proudly served on duty stations in Illinois, Rhode Island, Puerto Rico, and Seattle, until his retirement in 1980. While serving our military, he received two National Defense Service Medals, a Navy Commendation Medal and a Navy Expert Pistol Shot Medal. After retiring, he returned to the family ranch outside of St. Ignatius, where he practiced law until 1992.

During these years, Dick served two terms in the Montana Senate, and was chairman of the Senate Judiciary in his final term.

Dick valued education, his Catholic faith, supported the St. Ignatius Mission school and church, and enjoyed his life on the ranch.

Dick is survived by his wife Marilyn; daughters, Tammie White, Michelle and Don Vipperman; sons, Michael and Patricia, and Thomas and Brenda; and grandsons. He is also survived by two sisters, a brother, and a large extended family and circle of friends to whom he was fondly known as "Pop."

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

ROBBINS, HERSHEL

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF HERSHEL ROBBINS ON JUNE 21, 2012 IN ROUNDUP, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE HERSHEL ROBBINS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Hershel Matthew Robbins was born December 24, 1922, in the small town of Luling, Texas, to Matthew and Margaret Robbins. A few years later, his family moved to Austin, where he was raised and attended school. In 1940, at the age of 17 and with his mother's permission, he joined the U.S. Navy. He was stationed on Ford Island in Honolulu, Hawaii, a year later and became a witness to the attack on Pearl Harbor by Japanese armed forces. He remained in the Navy throughout the rest of the war, serving on several Navy vessels.

In 1943, Hershel met Audrey Catherine Rae in San Francisco. They were married one year later on St. Patrick's Day 1944. In 1945 he was discharged from the Navy and the newlyweds returned to Texas and settled in Austin. After their first daughter was born a year later, they vacationed in Audrey's home state of Montana, and decided to relocate their family to her hometown of Roundup. Over the next 21 years they added six more daughters to the family while Hershel worked in the oil fields, at a local gas station and lumberyard, then as a Darigold milk distributor in Roundup. He ended up purchasing Lind's Dairy in 1974, which has been renamed and passed down through generations of family members.

Hershel was civic-minded and politically active on a local, county, and state level. He was elected as an alderman to the Roundup City Council for four years and then as mayor of Roundup for eight years. He was elected to the Montana State Legislature in 1968 and served in the House of Representatives for five sessions. He also served one year as a Montana State Senator when he was appointed to fill out the remainder of a vacant seat. Hershel was then elected as a Musselshell County commissioner in 1980 and served for eight years. That same year, he was appointed by the governor to serve on the Montana State Coal Board. He was elected chairman of the board and served until 1989. He continued to be active in government as a lobbyist, representing Roundup and Musselshell County in the Montana Legislature in Helena.

Hershel also remained active in the military, serving in the National Guard and as commander of the local unit. He was a member of the Chamber of Commerce, Rotary Club and on local hospital and cemetery boards.

Hershel had a deep love for God, his family and his country. He enjoyed family holidays and events, sipping a cold drink on his porch, a good game of poker with the boys of the family, and giving away the Kennedy half-dollars he collected to children. Hershel is survived by his seven daughters; numerous grandchildren and great-grandchildren, a sister and countless other family and dear friends.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN

THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

ROSELL, ANTOINETTE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ANTOINETTE ROSELL ON APRIL 18, 2011 IN BILLINGS, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE TONI FRASER ROSELL BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HER CAREER ARE HEREBY NOTED:

Marie Antoinette was born on September 18, 1926 in Princeton, Illinois, to Robert and Rosabel Fraser. The family moved to Billings, and Toni graduated from Billings Senior High in 1944. Four years later, she graduated from the University of Montana with a degree in psychology, and then continued her education at Columbia University Teacher's College in New York, where she earned her master's degree in student personnel administration in 1952. Her long career included an assortment of educational counseling and administrative positions on both college and secondary school levels.

In 1957 Toni became the first woman elected to the Montana House of Representatives from Yellowstone County and the only woman in the House at that time. She went on to serve three terms in the Montana House of Representatives. When she married Earl Rosell, who provided support and encouragement for her political ambitions, she made the Rose her political logo. In 1959 their daughter was born. Not quite ready to conclude her career in public service, in 1967 Toni won her first of four terms in the State Senate. She worked tirelessly for women's rights and for Montana's ratification of the Equal Rights Amendment to the U.S. Constitution. In 1975 she put another crack in the proverbial glass ceiling when she became the first woman elected to a position of leadership in either House, as Senate Minority Whip. One year later, she was honored by an appointment to the National Advisory Council on Economic Opportunity by President Gerald Ford.

Through the years Toni was involved in supporting and engaging in organizations, as well as serving on boards too numerous to name. Toni always made time for family and friends, and she and her husband shared a deep love for Native culture and traditions. She is remembered for her "boundless energy and

generosity, her positivity and wit, and her abiding faith in our ability to change for the better."

She is survived by her daughter and son-in-law, René and Richard Yarbrough and their children, Jordan, Shelby, and Hayden; by her stepdaughter Erleen "Tami" Rosell and her children Rebecca, Christie, and Matheu, and granddaughter Victoria; by her step-granddaughter Sarah; by her siblings Susie Kurth, Carol Fraser and Robert Fraser; and by numerous nieces, nephews and dear friends.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

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SCHEPENS, FRED

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF FRED SCHEPENS ON SEPTEMBER 15, 2012 IN GLENDIVE, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE FRED SCHEPENS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Fred Schepens was born on October 23, 1921, in Glendive, a son of John and Ernstena Mae Schepens. He was raised and educated in Glendive, and graduated from Dawson County High School in 1939. In 1943 he enlisted in the Air Force and served in North Africa and Italy during World War II. He was honorably discharged from military service in 1948, after which he returned to Glendive to farm, ranch, and operate a local store. Fred served as Dawson County Sheriff, Justice of the Peace and Postmaster for 18 years.

In 1950 Fred met and married Edith Mae Bennett, and they raised their three children in Glendive. Fred was a member of the American Legion Club, Veterans of Foreign Wars post number 1125, Knights of Columbus, State Credit Union Board, and the Glendive School Board. He was also active in the Boy Scout Regional Board; was Local President and State Governor of the Kiwanis Club, and as a race horse owner, Fred was President of the Montana Breeders Association. Fred served in the Montana House of Representatives in 1962 and 1964.

Fred is survived by his wife, Edith; children, Bennett and Dona Schepens, William and Linda Schepens, and Bonita and Brent Larson; five grandchildren, two siblings, and numerous nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

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SMEDING, SAMUEL A.

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF SAMUEL A. SMEDING ON APRIL 9, 2002 IN BIG TIMBER, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE SAMUEL SMEDING BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Samuel A. Smeding was born November 27, 1915 in Roundup, Montana to Samuel and Edith Smeding. He graduated from Huntley Project High School in 1936. Two years later he married Florence Rieman. In 1942 he entered the service and served in the African and Italian campaigns of World War II. After the war and his honorable discharge in 1945, Samuel and Florence ranched in the Bull Mountains and then in 1962 moved to Lone Mountain Ranch on the Gallatin. Eight years later, they moved to the Madison Valley, and eventually retired on Bridger Creek in 1983.

Samuel was known for his love of fine Hereford cattle and he was proud to raise and break good stock horses. One of his joys in life was riding and working in rodeos, and he was a charter member of the Musselshell Rodeo Association. Samuel was a life member of the Masonic Lodge and Veterans of Foreign Wars; he was a member of the Elks and American Legion and the four-state grazing committee, Shriners, Montana Stockgrowers and Farm Bureau, and was past president of the Buffalo Grazing District. He also served in the Montana Legislature.

He is survived by his wife Florence; his daughter Alice and Morlee Vander Voort; son Edward Smeding; five grandchildren, Wayde Vander Voort, Mark Vander Voort, Peggy Everts, Mandy Mullikin, Angie Mullikin; and seven great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

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STOVALL, JAY

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF JAY STOVALL ON DECEMBER 15, 2011 IN BILLINGS, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE JAY STOVALL BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Jay was born on March 2, 1940, in Billings, to Orville and Margaret Stovall. He married the love of his life and true lifetime partner, Juanita Schuppe in 1960.

Jay grew up cowboying during the days before horse trailers and fences, on his parents' and his uncles' ranches. In 1989 he was honored to be the Trail Boss for the Montana Centennial Cattle Drive. This led to his public service career in the Montana State Legislature as a Representative for eight years and a Public Service Commissioner for four years. Prior to his state public service, Jay was appointed by President George H.W. Bush to represent Indian and minority issues in education and in the USDA. He was a proud enrolled member of the Crow Tribe and felt that he needed to help give Crows a voice. Most recently, Jay was appointed to the Cattlemen’s Beef Board. He was a long-term member of Montana Stockgrowers and NILE, while being a charter member of the National Cattlemen's Association. As a longtime member of the Al Bedoo Shrine and Black Horse Patrol Unit, one of his fondest memories was escorting President Reagan's stagecoach into the Metra and welcoming the President with a handshake. He loved to talk about the horseback ride down Pennsylvania Avenue with fellow Montanans during the inauguration parade of President George W. Bush.

Jay was known for his love of cowboying and his genuine love for people. He was generous, kind, purposeful, and a strong leader who touched the hearts of many around him, especially the cowboys that worked for him. He also had a special affinity for his grandchildren and for his beloved ranch.

Jay is survived by his wife, Juanita; his sons, Jay Jr. and wife Lee Ann, Tyler, and Turk and wife Jenny; and

his grandchildren, Hannah, Alicia and Levi.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

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THOMAS, ROBERT JAMES

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF ROBERT JAMES THOMAS ON SEPTEMBER 21, 2011 IN STEVENSVILLE, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE ROBERT THOMAS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Robert James Thomas was born in Butte on December 10, 1927, to Fred and Cora Thomas, the youngest of seven children. When he was young, the family moved to Stevensville, where he attended school and graduated from Stevensville High School. He worked on the family ranch before attending Montana State University. While remaining a steadfast Bobcat, he received a degree in business from the University of Montana.

At the age of 27 Bob married Dorene Ditty of Missoula and became the father of five children.

Bob's community involvement included service on the White Tail Golf board, the local school board, and the Montana Legislature. In 1991 he was appointed to the Montana Board of Housing, where he served for 16 years. For many years he served on the Ravalli County Republican Central Committee and was one of the founders of the North Valley Pachyderm Club. In 2005 he received the "Tough Tusk Award" from the National Federation of the Grand Order of Pachyderm Clubs.

As an honored member of the Masonic Order in Stevensville, Bob helped found a children's language clinic located on the UM campus. In 2001 he was elected a member of the Masonic Hall of Fame and his name was ascribed on the rolls.

In 1986, Bob married Jean Scott. Bob loved camping and fishing at Lake Mary Ronan. He loved

woodworking and building items for his family and spending time with his kids and grandkids.

Bob is remembered by his wife Jean, children, Bob, Jerry, Don, Fred and Becky; loving grandchildren, Eric, Tyler, Marcus, Scott, Joe, Jessi, Ryan, Patrik, and Allison; as well as five great-grandchildren, Atley, Finley, Kein, Anya and Roger.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

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WESTLAKE, VERNON LOVITT

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF VERNON LOVITT WESTLAKE ON JULY 8, 2011 IN BOZEMAN, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE VERNON WESTLAKE BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Vernon Westlake was born August 27, 1921 to Ella and Lovitt Westlake in a log cabin northwest of Bozeman. He graduated from Gallatin County High School and Montana State College. During World War Two he served as a bomber pilot in the Army Air Corps and attained the rank of Second Lieutenant. Following the war, Vernon completed Bachelor's degrees in industrial and mechanical engineering. In 1948, he commenced a lifelong farming career near Anceney, west of Bozeman. Two years later, he married Lou Ann Webb, and together they had two children.

Throughout his career, Vernon served on a number of committees and boards, including the Agricultural Stabilization and Conservation Service County Committee, the Board of Directors of Gallatin Farmers Company, an advisory board to the MSU President's Office, and was director of MSU's Alumni Association Board. He was elected to the Gallatin County Governmental Study Commission and in 1988 was elected to the State House of Representatives for a two-year term.

Vernon valued the involvement he had in the lives of his children and grandchildren, and was there to support them in their extracurricular endeavors. He was a lifelong member of and actively involved in the

Grand Avenue Christian Church. He was a member of the Antique Classic Car Club, the Elks Club and American Legion Post 14.

Vernon is survived by his wife, Lou Ann; son, Stuart and Rene Westlake; daughter, Lynn and Ron Coons; grandchildren, Tobi, Ross, Jillian, Kaci; and great-granddaughter, Devyn. Sisters, Lucille Peter; and Peggy and Milton Schaplow.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

WILLIAMS, WILLIAM GENE

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF WILLIAM GENE WILLIAMS ON JULY 28, 2011 IN TOSTON, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE BILL WILLIAMS BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

William Gene Williams was born June 12, 1927 in Missoula to John and Alice Williams. When he was two, his mother Alice died, and William was lovingly raised by his stepmother Loretta. He grew up and attended grade school in Radersburg and high school in Townsend. When he was 17, Bill joined the U. S. Navy. After the war, he married Valentine Manley and they had one son. In 1951, Bill married his second wife, LaRee Leatham, and together they added five more children to the family.

Bill and LaRee initially settled on the Longhorn Ranch on Canyon Ferry. It was during this time of his life that regular visits from LDS missionaries led him to become baptized into the Church of Jesus Christ of Latter Day Saints. Years later Bill and LaRee moved and established their growing family at the family ranch in the Crow Creek valley.

Bill served three terms as a state representative in the Montana Legislature.

At the age of 55 after open heart surgery, with a new sense of life and adventure, Bill took up downhill

skiing, racketball, and team roping. Throughout his life he also treasured a love of music and dancing.

Bill is survived by his wife, LaRee; his six children, Tim and Janis Snyder; Cathy and Keith Williams-Rash; David Williams; Dennis Williams; Robin Kaye and Darrell Folkvord; and Mickey Mayer; 20 grandchildren and 32 great-grandchildren. He is also survived by his brother, Tom Williams; and sister, Sharley Ragen.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

YARDLEY, DAN

WHEREAS, IT IS WITH DEEP AND SINCERE SORROW THAT THE MEMBERS OF THE SIXTY-THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA RECORD THE PASSING OF DAN YARDLEY ON JANUARY 22, 2008 IN LIVINGSTON, MONTANA.

WHEREAS, IT IS FITTING AND PROPER THAT THE RECORD AND ACCOMPLISHMENTS OF THE LATE DAN YARDLEY BE FILED ON THE OFFICIAL RECORDS OF THIS ASSEMBLY AND THE FOLLOWING FACTS RELATIVE TO HIS CAREER ARE HEREBY NOTED:

Dan was born in Big Timber, October 15, 1928, to Ray and Helen (Carney) Yardley. His grandparents were John and Mary Carney of Sweet Grass County. The Yardley family resided at the Carney Ranch in Springdale until they moved to Livingston in 1932. Dan attended school in Livingston and graduated from Park County High School in 1946.

After high school, Dan worked for the Northern Pacific Railway and then served in the U.S. Army from 1950 to 1953. Returning to Montana, Dan graduated from the University of Montana School of Law in 1956. He completed a master's degree from the New York University School of Law in 1957. He then went to work as an attorney for the Department of Labor in Washington, D.C. where he met JoAnne Frizzelle, who would become his wife of 47 years.

Dan and JoAnne wed Christmas Day 1959 in Chattanooga, Tennessee. They resided in Washington, D.C. until 1963, when they moved their family to Livingston. Dan practiced law for 43 years in partnership with his brother, Jack Yardley, until retirement in 2006.

Dan served for eight sessions as a Democrat in the Montana House of Representatives. He was also Deputy County Attorney and Public Defender for several years. He was a member of the Benevolent and Protective Order of the Elks and the American Legion.

He enjoyed gardening, playing cards, reading poetry, caring for his dog and spending time with his family and friends.

Survivors include his children, Tom (Andorra) Yardley of Portland, Texas, and Washington, D.C., Mary Yardley Marry (Rick Rouse) of Missoula; grandchildren, Sarah, David, Lindsey, Katherine, Thomas "Ted," Lauren and Chloe; and two great-grandchildren, Marlie and Melvin.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

THAT WE HEREBY EXPRESS OUR ESTEEM AND RESPECT TO THE MEMORY OF THE HONORABLE SENATORS AND REPRESENTATIVES AND EXTEND TO THE MEMBERS OF THEIR FAMILIES OUR SINCERE SYMPATHY IN THEIR GREAT AND IRREPARABLE LOSS;

BE IT FURTHER RESOLVED, THAT A COPY OF THIS MEMORIAL BE ENTERED UPON THE JOURNALS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SIXTY-THIRD LEGISLATURE, BE TRANSMITTED TO THE SURVIVING FAMILIES, AND THAT AN ORIGINAL COPY OF THESE MEMORIALS BE FILED WITH THE MONTANA HISTORICAL SOCIETY.

SENATE JOURNAL
63RD LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 26, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Arthun and Keane, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/26/2013

Correctly printed: **SB 403**, **SB 404**, **SJR 23**, **SR 6**, **SR 7**, **SR 27**, **HB 23**, **HB 84**, **HB 170**, **HB 256**, **HB 388**, **HB 451**.
Correctly engrossed: **SB 280**, **SB 375**, **SB 386**, **SR 5**, **HB 3**, **HB 374**.
Correctly enrolled: **SB 45**, **SB 128**, **SB 134**, **SB 249**.
Examined by the sponsor and found to be correct: **SB 128**, **SB 134**, **SB 137**, **SB 139**, **SB 172**, **SB 176**, **SB 230**, **SB 249**, **SB 270**, **SB 293**, **SB 312**, **SB 314**, **SB 319**, **SB 327**, **SB 332**.
Transmitted to the House: **SJR 21**, **HB 24**, **HB 38**, **HB 68**, **HB 146**, **HB 162**, **HB 195**, **HB 203**, **HB 210**, **HB 314**, **HB 323**, **HB 352**, **HB 362**, **HB 385**, **HB 459**, **HB 562**.
Signed by the Secretary of the Senate at 8:15 a.m., March 26, 2013: **SR 14**, **SR 20**, **SR 26**, **SR 28**.
Signed by the President at 11:18 a.m., March 26, 2013: **SB 24**, **SB 67**, **SB 76**, **SB 103**, **SB 105**, **SB 181**, **SB 189**.
Signed by the President at 12:26 p.m., March 26, 2013: **SR 14**, **SR 20**, **SR 26**, **SR 28**.
Delivered to the Secretary of State at 3:07 p.m., March 26, 2013: **SR 14**, **SR 20**, **SR 26**, **SR 28**.

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the week beginning March 25, 2013:

Sage Fairclough, Helena, sponsored by Senator Lewis
Rose Johnston, Chester, sponsored by Senator Lewis
Katy Kemmick, Billings, sponsored by Senator Van Dyk
Casandra Lamas, Havre, sponsored by Senator Windy Boy
Matthew Skillman, Ennis, sponsored by Senator Debby Barrett
Josie VanVleet, Billings. sponsored by Senator Arntzen

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/25/2013
SR 11, be adopted. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 3/25/2013
HB 3, be amended as follows:

1. Page 1, line 20.
Strike: "$38,699,927"
Insert: "$39,899,927"

2. Page 1, line following 28.
Insert: "Public Safety Officer Standards and Training $177,723 General Fund"

3. Page 2, line 11.
Strike: "$3,000,000"
Insert: "$3,200,000"

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 3/26/2013
SB 355, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 3/25/2013
SB 386, introduced bill, be amended as follows:

1. Page 15, line 22.
Following: "service"
Insert: "as defined in [section 1]. The employer shall maintain the roster of service with the effective date of membership for each volunteer firefighter"

And, as amended, do pass. Report adopted.

HB 465, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/25/2013

SB 45, introduced by Keane
SB 128, introduced by Buttrey
SB 134, introduced by Brenden

House bill passed and transmitted to the Senate for concurrence: 3/25/2013

HB 298, introduced by Warburton

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 24, introduced by Buttrey, Olson, referred to Business, Labor, and Economic Affairs.

The following House bill was introduced, read first time, and referred to committee:

HB 298, introduced by Warburton, Ankney, Arntzen, G. Bennett, Brenden, Brodehl, Buttrey, Connell, Doane, Fitzpatrick, Flynn, Galt, Glimm, Greef, Hagan, Halvorson, Hansen, Harris, Hertz, Jergeson, D. Jones, Kary, Kerns, Knudsen, Lang, Lenz, Lieser, McChesney, Randall, Redfield, Rosendale, Salomon, Schwaderer, Shaw, Washburn, Welborn, White, Zolnikov, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jergeson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 402 - Senator Buttrey moved **HB 402** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 46

Nays: Stewart-Peregoy, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 455 - Senator Facey moved **HB 455** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones,

Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 462 - Senator F. Moore moved **HB 462** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 508 - Senator Arntzen moved **HB 508** be concurred in.

HB 508 - Senator Arntzen moved **HB 508**, second reading copy, be amended as follows:

1. Page 1, line 26.
Following: "exempted"
Insert: "under 49 CFR 383.3(c)"
Following: "requirements of"
Strike: "49 CFR 383.3(c)"
Insert: "this part"

Amendment adopted as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 508 - Senator Arntzen moved **HB 508**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 189 - Senator T. Brown moved **HB 189** be concurred in.

HB 189 - Senator T. Brown moved **HB 189**, second reading copy, be amended as follows:

1. Page 1, line 15.
Strike: "$100"
Insert: "$75"

2. Page 1, line 16.
Strike: "$152"

Insert: "$114"

3. Page 2, line 4.
Following: line 3
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If both Senate Bill No. 162 and [this act] are passed and approved and both contain a section that amends 80-2-232, then the section of [this act] amending 80-2-232 is void."

Amendment adopted as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Priest.
Total 1

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 189 - Senator T. Brown moved **HB 189**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy.
Total 35

Nays: D. Brown, Fielder, Moore, Olson, Ripley, Sales, Sonju, Thomas, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 217 - Senator Sales moved consideration of **HB 217** be passed for the day. Without objection, so ordered.

HB 283 - Senator Peterson moved **HB 283** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 35

Nays: Augare, Barrett Dick, Blewett, Driscoll, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Wanzenried.
Total 13

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 328 - Senator Boulanger moved **HB 328** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 40

Nays: Augare, Barrett Dick, Caferro, Kaufmann, Phillips, Stewart-Peregoy, Wanzenried, Windy Boy.
Total 8

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SB 178 - Senator Van Dyk moved **SB 178** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Brenden.
Total 1

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 70 - Senator Driscoll moved **HB 70** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 34

Nays: Barrett Debby, Boulanger, Brenden, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Vincent, Walker, Webb, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 71 - Senator Driscoll moved **HB 71** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.
Total 38

Nays: Barrett Debby, Boulanger, Brenden, Moore, Olson, Priest, Sales, Sonju, Walker, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SB 316 - **House Amendments** - Senator Fielder moved House amendments to **SB 316** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SB 165 - **House Amendments** - Senator Caferro moved House amendments to **SB 165** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SB 148 - Senator L. Jones moved consideration of **House Amendments to SB 148** be passed for the day. Without objection, so ordered.

Senator Facey assumed the chair.

SB 125 - **House Amendments** - Senator Olson moved House amendments to **SB 125** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

Senator Jergeson returned to the chair.

SB 185 - **House Amendments** - Senator Sesso moved House amendments to **SB 185** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SB 224 - **House Amendments** - Senator Debby Barrett moved House amendments to **SB 224** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones,

Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Kaufmann, Larsen, Malek, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 297 - Senator F. Moore moved consideration of **HB 297** be passed for the day. Without objection, so ordered.

SB 259 - **House Amendments** - Senator Arntzen moved House amendments to **SB 259** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Fielder, Larsen, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Jergeson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 374 concurred in as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Lewis, Malek, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 23 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HJR 1 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Fielder, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HJR 3 concurred in as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 184 concurred in as follows:

Yeas: Arntzen, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Augare, Driscoll, Kaufmann, Van Dyk, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 250 concurred in as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Arntzen, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

HB 485 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Caferro.
Total 1

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SPECIAL ORDERS OF THE DAY

SR 25 - Senator D. Brown moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 25**. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SR 11 - Senator T. Brown moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 11**. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.

Total 2

SR 5 - Senator Jent moved the nomination transmitted by the Chief Justice of the Montana Supreme Court be confirmed by the Senate in accordance with **SR 5**. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SR 6 - Senator Murphy moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 6**. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SR 27 - Senator Murphy moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 27**. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

SR 17 - Senator Sonju moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 17**. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arthun, Keane.
Total 2

MOTIONS

Senator Wittich moved to change his vote on **HB 70** from Yes to No. Without objection, so ordered.

Senator Thomas moved **SB 404** be moved from the Taxation committee to the Business, Labor, and Economic Affairs committee. Without objection, so ordered.

Senator Ripley moved **HB 70** be re-referred to the Finance and Claims committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, March 27, 2013, the sixty-sixth legislative day. Motion carried.

Senate adjourned at 2:22 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 27, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Phillips, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 3/27/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-first through fifty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 178**, **SB 355**, **SJR 24**, **HB 71**, **HB 283**, **HB 402**, **HB 462**, **HB 465**.
Correctly engrossed: **SB 143**, **SB 380**, **SR 23**, **SR 29**, **SR 30**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**, **HB 133**, **HB 147**, **HB 188**, **HB 189**, **HB 328**, **HB 395**, **HB 431**, **HB 455**, **HB 508**, **HB 545**.
Correctly enrolled: **SB 148**, **SB 194**, **SR 5**, **SR 6**, **SR 11**, **SR 17**, **SR 25**, **SR 27**.
Transmitted to the House: **HB 23**, **HB 184**, **HB 250**, **HB 374**, **HB 485**, **HJR 1**, **HJR 3**.
Signed by the Secretary of the Senate at 9:50 a.m., March 27, 2013: **SB 128**, **SB 134**, **SB 137**, **SB 139**, **SB 172**, **SB 230**, **SB 249**, **SB 270**, **SB 293**, **SB 312**.
Signed by the President at 2:00 p.m., March 27, 2013: **SB 128**, **SB 134**, **SB 137**, **SB 139**, **SB 172**, **SB 230**, **SB 249**, **SB 270**, **SB 293**, **SB 312**.
Signed by the Speaker at 4:35 p.m., March 26, 2013: **SB 24**, **SB 67**, **SB 76**, **SB 103**, **SB 105**, **SB 181**, **SB 189**.
Delivered to the Governor at 10:35 a.m., March 27, 2013: **SB 24**, **SB 67**, **SB 76**, **SB 103**, **SB 105**, **SB 181**, **SB 189**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (T. Brown, Chair): 3/26/2013
HB 395, be amended as follows:

1. Page 1, line 17.
Following: "~~livestock~~"
Insert: "who are"

2. Page 1, line 18.
Following: "industry"
Insert: "and who have knowledge and experience with regard to wildlife impacts or management"

3. Page 1, line 20.

Strike: "of the general public"
Insert: "who are actively involved in wildlife conservation or wildlife management and who have knowledge and experience with regard to livestock production or management"

And, as amended, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/26/2013
HB 116, be concurred in. Report adopted.
HB 117, be concurred in. Report adopted.
HB 118, be concurred in. Report adopted.
HB 133, be amended as follows:

1. Title, page 1, line 12 through line 13.
Strike: "PROVIDING" on line 12 through "VETERINARIANS;" on line 13

2. Title, page 1, line 20.
Strike: "AND LAND" through "INTERN"

3. Title, page 1, lines 22 through 23.
Strike: "REVISING QUALIFICATIONS" on line 22 through "INSPECTOR;" on line 23

4. Title, page 1, line 24.
Following: "~~2-15-1740,~~"
Insert: "2-15-1740,"

5. Title, page 1, line 25.
Strike: "37-12-104,"

6. Title, page 1, line 26.
Following: "37-23-201,"
Insert: "37-23-202,"
Strike: "37-47-303,"

7. Title, page 1, line 29.
Strike: "37-67-310,"

8. Title, page 1, line 30.
Following: "50-31-308,"
Insert: "AND"
Strike: "AND 50-76-110,"

9. Page 2.
Following: line 23
Insert: "Section 1. Section 2-15-1740, MCA, is amended to read:
"2-15-1740. Board of hearing aid dispensers. (1) There is a board of hearing aid

dispensers.

(2) The board consists of five members appointed by the governor with the consent of the senate, including:

(a) ~~two~~ three members, each of whom has been a licensed hearing aid dispenser for at least 5 years~~, possesses a current audiologist license issued under Title 37, chapter 15, and has a master's level college degree~~;

~~(b) two members, each of whom does not hold a master's level college degree in audiology but has been a licensed dispenser and fitter of hearing aids for at least 5 years before being appointed to the board; and~~

~~(c)~~(b) one public member who is either an otolaryngologist or an audiologist or is a person ~~who is not a licensed hearing aid dispenser or a licensed audiologist and~~ who regularly uses a hearing aid because of a demonstrated hearing impairment and who is not a licensed hearing aid dispenser or a licensed audiologist; and

(c) a member of the public.

(3) Each member shall serve for 3-year terms. A member may not be reappointed within 1 year after the expiration of the member's second consecutive full term.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.""

Renumber: subsequent sections

10. Page 14, line 28 through page 15, line 11.
Strike: section 12 in its entirety
Renumber: subsequent sections

11. Page 15, line 22 through page 18, line 8.
Strike: sections 14 through 19 in their entirety
Renumber: subsequent sections

12. Page 19, line 25.
Strike: "23"
Insert: "17"

13. Page 23, line 21.
Strike: "26"
Insert: "21"

14. Page 25.
Following: line 6
Insert: "Section 20. Section 37-23-202, MCA, is amended to read:

"37-23-202. Licensure requirements. (1) An applicant for licensure must have satisfactorily:

(a) completed a planned graduate program of 60 semester hours, primarily counseling in nature, 6 semester hours of which were earned in an advanced counseling practicum that resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;

(b) completed, after obtaining a graduate degree as provided in subsection (1)(a) or (2),

3,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession~~, at least half of which was postdegree~~. The applicant must have each supervisor endorse the application for licensure, attesting to the number of hours supervised.

(c) passed an examination prepared and administered by:

(i) the national board of certified counselors; or

(ii) the national academy of certified clinical mental health counselors; and

(d) completed an application.

(2) The board shall provide by rule for licensure of a person who possesses a graduate degree that consists of a minimum of 45 semester hours primarily related to counseling and that is from an institution accredited to offer a graduate program in counseling, by specifying the additional graduate credit hours necessary to fulfill the requirements of subsection (1)(a) in counseling courses in an approved program within a period of 5 years.

(3) As a prerequisite to the issuance of a license, the board shall require the applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(4) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust, and if the board determines that the applicant is not, the license may be denied.""

Renumber: subsequent sections

15. Page 27, line 16.
Strike: "30"
Insert: "25"

16. Page 29, line 26 through page 30, line 6.
Strike: section 31 in its entirety
Renumber: subsequent sections

17. Page 30, line 14.
Following: "~~description~~"
Insert: "conservation license number,"

18. Page 33, line 6.
Following: "~~or~~"
Insert: "or"

19. Page 33, line 7.
Strike: ", or other private industry entity"

20. Page 33, lines 24 through 26.
Strike: subsection (12) in its entirety
Renumber: subsequent subsection

21. Page 51, line 18 through page 52, line 6.
Strike: section 55 in its entirety
Renumber: subsequent sections

22. Page 56, lines 12 through 22.
Strike: section 62 in its entirety
Renumber: subsequent sections

23. Page 57, lines 9 through 10.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

24. Page 57, line 11.
Strike: "23"
Insert: "17"

25. Page 57, line 12.
Strike: "23"
Insert: "17"

26. Page 57, line 13.
Strike: "26"
Insert: "21"

27. Page 57, line 14.
Strike: "26"
Insert: "21"

28. Page 57, line 15.
Strike: "30"
Insert: "25"

29. Page 57, line 16.
Strike: "30"
Insert: "25"

30. Page 57, line 18.
Strike: "[Sections ~~59 and 60~~ 54 AND 55] are"
Insert: "[Section 48] is"

And, as amended, be concurred in. Report adopted.

HB 488, be concurred in. Report adopted.
HB 545, be amended as follows:

1. Page 1, line 18.
Following: "which"
Insert: "a qualifying employee elects individual disability coverage because"

2. Page 1, line 21.
Following: "cost"
Insert: "to the qualifying employee"

3. Page 1.
Following: line 22
Insert: "(2) An employer's contribution to coverage for its qualifying employees who elect disability coverage pursuant to subsection (1) must be made:
(a) at a uniform percentage of the cost of the health plan offered by the employer; or
(b) at a uniform set dollar amount regardless of whether an employer offers no health plan or a health plan with one or more benefit options."
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/27/2013
HB 415, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 3/25/2013
SR 30, be adopted. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 3/26/2013
HB 188, be amended as follows:

1. Page 2, line 5 through line 6.
Strike: "18 CFR 292.202(4),(5),(6), OR (8)"
Insert: "18 CFR 292.202(b)(4),(5),(6), or (8)"

2. Page 2, line 11 through line 12.
Strike: "18 CFR 292.202(4),(5),(6), OR (8)"
Insert: "18 CFR 292.202(b)(4),(5),(6), or (8)"

3. Page 2, line 17 through line 18.
Strike: "18 CFR 292.202(4),(5),(6), OR (8)"
Insert: "18 CFR 292.202(b)(4),(5),(6), or (8)"

4. Page 2, line 23 through line 24.
Strike: "18 CFR 292.202(4),(5),(6), OR (8)"
Insert: "18 CFR 292.202(b)(4),(5),(6), or (8)"

5. Page 3, line 2 through line 4.
Strike: subsection (D) in its entirety

6. Page 3, line 6.
Strike: "(3)(D)"
Insert: "(3)(c)"

7. Page 3.
Following: line 7
Insert: "NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Insert: "NEW SECTION. **Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 431, be amended as follows:

1. Page 1, line 15.
Following: "~~use~~"
Insert: "of the land directly utilized by oil and gas operations and production, other than uses appurtenant to the mineral estate"

2. Page 1.
Following: line 22
Insert: "(6) "Reasonably available use" means the present use or a future use for which a permit, if necessary, has been issued under applicable law."
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 3/27/2013
SB 280, do pass. Report adopted.
HB 9, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 3/26/2013
SB 143, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "YEAR-ROUND"

2. Title, page 1, line 8.
Following: "87-2-730,"
Insert: "AND"
Strike: "AND 87-6-304,"

3. Page 11, line 29 through line 30.
Strike: "and" on line 29 through "year" on line 30
Insert: "between November 15 and April 30"

4. Page 12, line 5 through line 6.
Following: "fee" on line 5
Insert: ","
Strike: "for each" on line 5 through "entitle" on line 6
Insert: "purchase a license that entitles"

5. Page 12, line 7.
Strike: "carcasses"
Insert: "carcass"
Strike: "animals"
Insert: "animal"

6. Page 12, line 15.
Following: "Montana"
Insert: "during the season established in subsection (1)"

7. Page 13, line 4.
Strike: "six"
Insert: "50"

8. Page 14, line 5 through line 26.
Strike: section 11 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 380, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "MCA;"
Strike: "AND"
Following: "2009"
Insert: "; AND PROVIDING A TERMINATION DATE"

2. Page 1, line 21.
Strike: "Not"

Insert: "Except as provided in subsection (4), not"

3. Page 1, line 30.
Strike: "In addition" through "subsection (1)"
Insert: "Pursuant to subsection (1)(b)"
Following: "offer"
Insert: "1,200 Class B-10 licenses through February 28, 2015, and beginning March 1, 2015,"

4. Page 2, line 1.
Strike: "indicating their intent"
Insert: "that entitle the holder"

5. Page 2, line 23.
Insert: "(4) If more than 17,000 applications for Class B-10 licenses are made in any 1 license year, the department shall offer an additional 1,200 Class B-10 licenses through February 28, 2015, and beginning March 1, 2015, an additional 1,500 Class B-10 licenses to nonresident applicants that entitle the holder to hunt only in the wilderness areas listed in subsection (3)(a) and subject to the provisions of subsections (3)(b) through (3)(d)."

6. Page 3, line 20.
Following: "(5)"
Insert: "(a)"

7. Page 3, line 23.
Following: "land."
Insert: "(b) If at least $500,000 has been deposited in the account in any 1 license year, the excess must be deposited in the general license account.

(c) The department shall provide a report on a quarterly basis to the environmental quality council identifying:

(i) potential, completed, or abandoned projects providing public hunting access to inaccessible public land;

(ii) deposits into and withdrawals from the account established in subsection (5)(a); and

(iii) plans for future projects providing public hunting access to inaccessible public land for the subsequent fiscal year.

(d) Any unspent or unencumbered money in the account established in subsection (5)(a) at the end of the fiscal year must remain in the account."

8. Page 3, line 26.
Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates February 28, 2018."

And, as amended, do pass. Report adopted.

SB 381, do pass. Report adopted.
HB 147, be amended as follows:

1. Page 1, line 12.
Following: "wildlife"
Insert: ","
Strike: "or predatory animals or"
Insert: "predatory animals, game animals, or wolves while"

2. Page 1, line 14.
Strike: "an amount not to exceed"

3. Page 1, line 17.
Following: "$500"
Insert: "or more than $1,000"

4. Page 1, line 18.
Strike: "unless the court imposes a larger fine"

5. Page 1, line 19.
Following: "conviction"
Insert: "under subsection (3)"

6. Page 1, line 22.
Strike: "3 years unless the court imposes a longer period of time"
Insert: "a period of time set by the court"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 3/26/2013
HB 566, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 3/27/2013
SB 384, do pass. Report adopted.
HB 104, be amended as follows:

1. Title, page 1, line 5.
Strike: "AN UNBORN CHILD"
Insert: "A FETUS OF ANOTHER"

2. Page 1, line 12.
Strike: "or unborn child"
Following: ";"

Strike: "or"

3. Page 1, line 17.
Strike: "or unborn child"

Insert: "; or (c) the person purposely or knowingly causes the death of a fetus of another with knowledge that the woman is pregnant"

4. Page 1, line 25.
Strike: "unborn child"
Insert: "purposely or knowingly causes the death of a fetus of another with knowledge that the woman is pregnant"

5. Page 2, line 9 through line 10.
Following: "4]," on line 9
Strike: remainder of line 9 through "born" on line 10

Insert: ""fetus" means an organism of the species homo sapiens from 8 weeks of development until complete expulsion or extraction from a woman's body"

6. Page 2, line 12.
Strike: "unborn child"
Insert: "fetus of another"

7. Page 2, line 18.
Strike: "AN UNBORN CHILD"
Insert: "a fetus of another"

8. Page 2, line 23.
Strike: "UNBORN CHILD"
Insert: "fetus"

9. Page 2, line 24.
Strike: "UNBORN CHILD"
Insert: "fetus"

And, as amended, be concurred in. Report adopted.

HB 208, be concurred in. Report adopted.
HB 287, be concurred in. Report adopted.
HB 522, be concurred in. Report adopted.
HJR 5, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/26/2013

SB 48, introduced by Jergeson
SB 194, introduced by Blewett

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/26/2013

SB 11, introduced by Caferro
SB 18, introduced by Hamlett
SB 122, introduced by Facey
SB 133, introduced by Rosendale

House bill passed and transmitted to the Senate for concurrence: 3/26/2013
This bill is being transmitted after the deadline for General Bills. Joint rule 40-200 requires a two-thirds vote for the bill to be considered by the receiving house.

HB 76, introduced by Pease-Lopez

MOTIONS

Senator Brenden moved the Senate suspend its rules to accept **HB 76**, a general bill that missed the deadline for general bills. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 405, introduced by Olson, Debby Barrett, Blasdel, D. Brown, Knudsen, Sales, Sonju, Tutvedt, Vance, referred to State Administration.
SB 406, introduced by D. Brown, Arntzen, Ballance, Debby Barrett, Blasdel, Blyton, Essmann, Glimm, Hertz, Jackson, Lewis, O'Neil, Priest, Regier, C. Smith, Taylor, Thomas, Vance, Vincent, Washburn, Wittich, Zolnikov, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 25, introduced by Malek, referred to Energy and Telecommunications.

The following House bill was introduced, read first time, and referred to committee:

HB 76, introduced by Pease-Lopez (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 402 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 47

Nays: Stewart-Peregoy, Windy Boy.
Total 2

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 455 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 462 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 283 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Augare, Barrett Dick, Blewett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Wanzenried.
Total 13

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 328 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 40

Nays: Augare, Barrett Dick, Caferro, Kaufmann, Malek, Olson, Stewart-Peregoy, Wanzenried, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 178 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Brenden, Fielder.
Total 2

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 71 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 33

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Moore, Olson, Priest, Ripley, Sales, Sonju, Vincent, Walker, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 316, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 165, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 125, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Keane,

Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 27

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 185, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 224, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Blewett, Jergeson, Kaufmann, Malek, Van Dyk, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 259, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 375 passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 21

Paired: Phillips, Aye; Wanzenried, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS

(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Dick Barrett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 148 - Senator L. Jones moved consideration of **SB 148** be passed for the day, and that **SB 148** be brought before the Committee of the Whole on April 3, 2013, the sixty-ninth legislative day. Without objection, so ordered.

HB 217 - Senator Sales moved **HB 217** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 297 - Senator Jackson moved **HB 297** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 359 - Senator Thomas moved **HB 359** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

Senator Jent expressed a conflict of interest before voting on **HB 359**.

HB 322 - Senator Sales moved **HB 322** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 46

Nays: Kaufmann, Keane, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

Senator Thomas excused at this time.

HB 502 - Senator F. Moore moved **HB 502** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: D. Brown, Murphy, Sales.
Total 3

Absent or not voting: None.
Total 0

Excused: Phillips, Thomas.
Total 2

Senator Thomas present at this time.

HB 127 - Senator Vuckovich moved **HB 127** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 35

Nays: Arthun, Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Priest, Ripley, Sales, Vincent, Walker, Webb, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 170 - Senator Brenden moved **HB 170** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Kaufmann, Larsen, Malek, Sesso,

Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 13

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 256 - Senator Hamlett moved **HB 256** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: Augare, Barrett Debby, D. Brown, Priest, Stewart-Peregoy, Thomas, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 299 - Senator Jergeson moved **HB 299** be concurred in.

HB 299 - Senator Jergeson moved **HB 299**, second reading copy, be amended as follows:

1. Title, line 10.
Strike: "RAVEN CHIEF"

2. Page 1, line 21.
Strike: "Raven Chief"

3. Page 2, line 9.
Strike: "**Raven Chief**"

4. Page 2, line 10.
Strike: "Raven Chief"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 299 - Senator Jergeson moved **HB 299**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 106 - Senator Hamlett moved **HB 106** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Sales, Wittich.

Total 2

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 388 - Senator Vincent moved **HB 388** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 451 - Senator Rosendale moved **HB 451** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 513 - Senator Hamlett moved **HB 513** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 38

Nays: Augare, Barrett Dick, Caferro, Facey, Jent, Kaufmann, Malek, Stewart-Peregoy, Van Dyk, Wanzenried, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HJR 9 - Senator Walker moved **HJR 9** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Barrett Dick, Facey, Jent, Jergeson, Kaufmann, Malek, Van Dyk, Wanzenried.
Total 8

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

Senator Brenden and Senator Thomas excused at this time.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Dick Barrett moved the Committee of the Whole report be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 45

Nays: Jent, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden, Phillips, Thomas.
Total 3

MOTIONS

Senator Ripley moved **HB 322** be referred to the Finance and Claims committee. Without objection, so ordered.

Senator Ripley moved **HB 12** be referred to the Finance and Claims committee. Following discussion, Senator Ripley withdrew his motion.

Senator Malek moved to change her third-reading vote on **SB 165** from No to Yes. Without objection, so ordered.

Senator Jergeson rose on a point of parliamentary procedure and explained there is only one acceptable motion, under the Committee of the Whole, to pass a bill for the day. That motion is to "pass consideration" of the bill. If the motion carries, the bill must be scheduled for second reading on the next legislative day. To have the bill scheduled for second reading on a different day, a second motion under Order of Business # 6, Motions, is required.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 10:00 a.m., Thursday, March 28, 2013, the sixty-seventh legislative day. Motion carried.

Senate adjourned at 3:19 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 28, 2013 — State Capitol

Senate convened at 10:00 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare and Phillips, excused. Quorum present.

Katy Kemmick, member of an all-girl band from Billings, and one of the Senate pages for the past week, played guitar and sang for the Senate.

BILLS AND JOURNALS (Buttrey, Chair): 3/28/2013

Correctly printed: **SB 280**, **SB 381**, **SB 384**, **SB 405**, **SB 406**, **SJR 25**, **HB 9**, **HB 106**, **HB 116**, **HB 117**, **HB 118**, **HB 127**, **HB 170**, **HB 208**, **HB 217**, **HB 256**, **HB 287**, **HB 297**, **HB 322**, **HB 359**, **HB 415**, **HB 488**, **HB 513**, **HB 522**, **HB 566**, **HJR 5**, **HJR 9**.
Correctly engrossed: **SR 32**, **HB 104**, **HB 299**, **HB 388**, **HB 451**, **HB 502**.
Correctly enrolled: **SB 125**, **SB 165**, **SB 185**, **SB 224**, **SB 259**, **SB 316**.
Examined by the sponsor and found to be correct: **SB 45**, **SB 48**, **SB 116**, **SB 125**, **SB 165**, **SB 185**, **SB 194**, **SB 224**, **SB 259**, **SB 316**, **SR 5**, **SR 6**, **SR 11**, **SR 17**, **SR 25**, **SR 27**.
Transmitted to the House: **SB 178**, **SB 375**, **HB 71**, **HB 283**, **HB 328**, **HB 402**, **HB 455**, **HB 462**.
Signed by the Speaker at 5:00 p.m., March 27, 2013: **SB 128**, **SB 134**, **SB 137**, **SB 139**, **SB 172**, **SB 230**, **SB 249**, **SB 270**, **SB 293**, **SB 312**.
Delivered to the Governor at 12:15 p.m., March 28, 2013: **SB 128**, **SB 134**, **SB 137**, **SB 139**, **SB 172**, **SB 230**, **SB 249**, **SB 270**, **SB 293**, **SB 312**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/22/2013
SR 35, be adopted. Report adopted.
SR 36, be adopted. Report adopted.
SR 37, be adopted. Report adopted.
SR 38, be adopted. Report adopted.
SR 39, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/27/2013
HB 259, be amended as follows:

1. Title, line 11.
Following: "FOR"

Insert: "CERTIFICATION OR"

2. Page 1, line 17.
Strike: "**Relevant**" through "**licensure**"
Insert: "Military training or experience to satisfy licensing or certification requirements -- rulemaking"

3. Page 1, line 18.
Following: "provide that"
Strike: "licensing"
Insert: "certification or licensure"

4. Page 1, line 22.
Following: "(2)"
Insert: "(a)"
Following: "for"
Insert: "certification or"
Following: "board"
Strike: ","

5. Page 1, line 24.
Following: "relevant"
Insert: "certification or"

6. Page 1, following line 24.
Insert: "(b) The department and each licensing board shall, upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training, or service completed by an individual as a member of the armed forces or reserves of the United States, the national guard of a state, or the military reserves toward the qualifications to receive the license or certification."

And, as amended, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 3/28/2013
SB 400, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "ACT; ESTABLISHING"
Insert: "LICENSING AND OTHER"

2. Title, page 1, line 9.
Strike: "AND PROVIDING A PENALTY"
Insert: "EXPANDING THE EXISTING RULEMAKING AUTHORITY OF THE DEPARTMENT OF LABOR AND INDUSTRY; AND AMENDING SECTIONS 37-60-101, 37-60-103, 37-60-202, 37-60-301, 37-60-303, 37-60-304, 37-60-405, AND 46-9-510, MCA"

3. Page 1, line 13.
Strike: "8"
Insert: "5"

4. Page 1, line 16.
Strike: "8"
Insert: "5"

5. Page 1, line 18.
Following: "means"
Insert: "a surety or"
Strike: "by the commissioner" through "33-17-211"
Insert: "as a surety insurance producer under Title 33, chapter 17"

6. Page 1, line 24.
Following: "(3)"
Insert: "(a)"
Strike: ":"
Insert: "a person who is licensed under Title 37, chapter 60, and who is employed by or"

7. Page 1, line 25.
Strike: "(a) a person who is"
Strike: "depositor of bail"
Insert: "surety"

8. Page 1, line 26.
Strike: "investigate, keep under surveillance, locate, or"
Insert: "apprehend and"

9. Page 1, lines 27.
Following: "officer"
Insert: "."
Strike: "; and"

10. Page 1, lines 28 through 30.
Strike: subsection (b) in its entirety
Insert: "(b) A bail fugitive recovery agent who is in the course of apprehending and arresting a bail fugitive may conduct an investigation as provided in 37-60-101(21)(b) without being licensed as a private investigator."

11. Page 2, line 1.
Strike: ""Depositor of bail""
Insert: ""Surety""

12. Page 2, line 4.

Following: "**fugitive**"
Insert: "**-- title reserved**"

13. Page 2, line 6.
Strike: "bail bond agent,"
Strike: ", or a depositor of bail"
Following: "."
Insert: "If a bail bond agent or a surety apprehends, detains, or arrests a bail fugitive, the bail bond agent or surety must be licensed as a bail fugitive recovery agent."

14. Page 2, line 7.
Following: "prohibit"
Strike: "the surrender of a defendant or"
Following: "pursuant to"
Insert: "46-6-502 or a surrender under"

15. Page 2, line 8.
Following: "46-9-510"
Insert: "unless the person arrested is a bail fugitive"

16. Page 2.
Following: line 8
Insert: "(3) A person may not use the title of bail fugitive recovery agent or bounty hunter unless the person is licensed as a bail fugitive recovery agent under Title 37, chapter 60."

17. Page 2, line 10 through line 23.
Strike: section 4 in its entirety
Renumber: subsequent sections

18. Page 2, line 25.
Following: "**authority**"
Insert: "**-- out-of-state requirements**"
Following: "**authority.**"
Insert: "(1)"

19. Page 2, line 27.
Strike: "depositor of bail"
Insert: "surety"

20. Page 2, line 29.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

21. Page 3.

Following: line 3
Insert: "(2) An out-of-state bail fugitive recovery agent shall, in addition to having the documentation required under subsection (1), notify the board of licensure with another state during the time the out-of-state bail fugitive recovery agent is operating in this state or provide documentation to the board of having a contract with a bail bond agent in Montana."

22. Page 3, line 17.
Strike: "depositor of bail"
Insert: "surety"

23. Page 3, line 23 through line 29.
Strike: section 7 through section 8 in their entirety
Insert: "Section 6. Section 37-60-101, MCA, is amended to read:

"37-60-101. Definitions. As used in this chapter, the following definitions apply:

(1) "Alarm response runner" means an individual employed by an electronic security company, a contract security company, or a proprietary security organization to respond to security alarm system signals.

(2) "Armed" means an individual who at any time wears, carries, or possesses a firearm in the performance of professional duties.

(3) "Armed carrier service" means any person or security company who transports or offers to transport under armed private security guard from one place to another any currency, documents, papers, maps, stocks, bonds, checks, or other items of value that require expeditious delivery.

(4) "Armed private investigator" means a private investigator who at any time wears, carries, or possesses a firearm in the performance of the individual's duties.

(5) "Armed private security guard" means an individual employed by a contract security company or a proprietary security organization whose duty or any portion of whose duty is that of a security guard, armored car service guard, or carrier service guard and who at any time wears or carries a firearm in the performance of the individual's duties.

(6) "Armored car service" means any person or security company who transports or offers to transport under armed private security guard from one place to another any currency, jewels, stocks, bonds, paintings, or other valuables of any kind in a specially equipped motor vehicle that offers a high degree of security.

(7) "Bail bond agent" has the meaning provided in [section 2].

(8) "Bail fugitive" has the meaning provided in [section 2].

(9) "Bail fugitive recovery agent", also known as a bounty hunter, has the meaning provided in [section 2]. A bail fugitive recovery agent is not required to be licensed as a private investigator but may conduct activities under subsection (21)(b) of this section for the purposes of apprehending or arresting a bail fugitive for surrender to the appropriate court, detention facility, or peace officer.

~~(7)~~(10) "Board" means the board of private security provided for in 2-15-1781.

~~(8)~~(11) "Branch office" means any office of a licensee within the state, other than its principal place of business within the state.

~~(9)~~(12) "Contract security company" means any person who undertakes to provide a private

security guard, alarm response runner, armored car service, street patrol service, or armed carrier service on a contractual basis to another person who exercises no direction and control over the performance of the details of the services rendered.

~~(10)~~(13) "Department" means the department of labor and industry provided for in 2-15-1701.

~~(11)~~(14) (a) "Electronic security company" means a person who sells, installs, services, or maintains a security alarm system and who undertakes to hire, employ, and provide alarm response runners and security alarm installers on a contractual basis to another person who does not exercise direction and control over the performance of the services rendered.

(b) The term does not include a person whose primary business is that of a locksmith and who may also install closed-circuit television cameras and battery-operated door devices.

~~(12)~~(15) "Firearms course" means the course approved by the board and conducted by a firearms instructor.

~~(13)~~(16) "Firearms instructor" means an individual who has been approved by the board to instruct firearms courses in the use of weapons.

~~(14)~~(17) "Insurance adjuster" means a person employed by an insurance company, other than a private investigator, who for any consideration conducts investigations in the course of adjusting or otherwise participating in the disposal of any claims in connection with a policy of insurance but who does not perform surveillance activities or investigate crimes against the United States or any state or territory of the United States.

~~(15)~~(18) "Licensee" means a person licensed under this chapter.

~~(16)~~(19) "Paralegal" or "legal assistant" means a person qualified through education, training, or work experience to perform substantive legal work that requires knowledge of legal concepts and that is customarily but not exclusively performed by a lawyer and who may be retained or employed by one or more lawyers, law offices, governmental agencies, or other entities or who may be authorized by administrative, statutory, or court authority to perform this work.

~~(17)~~(20) "Person" means an individual, firm, company, association, organization, partnership, or corporation.

~~(18)~~(21) "Private investigator" means a person other than an insurance adjuster who for any consideration makes or agrees to make any investigation with reference to:

(a) crimes against the United States or any state or territory of the United States;

(b) the identity, habits, conduct, business, occupation, honesty, integrity, trustworthiness, efficiency, loyalty, activity, movement, location, affiliations, associations, transactions, reputation, or character of any person;

(c) the location, disposition, or recovery of lost or stolen property;

(d) the cause or responsibility for fires, libels, losses, accidents, or injury to persons or property; or

(e) gathering evidence to be used before any court, board, officer, or investigating committee.

~~(19)~~(22) "Private security guard" means an individual employed or assigned duties to protect a person or property or both a person and property from criminal acts and whose duties or any portion of whose duties include but are not limited to the prevention of unlawful entry, theft, criminal mischief, arson, or trespass on private property or the direction of the movements of the public in public areas.

~~(20)~~(23) "Process server" means a person described in 25-1-1101(1).

~~(21)~~(24) "Proprietary security organization" means any person who employs a private

security guard, alarm response runner, armored car service, street patrol service, or armed carrier service on a routine basis solely for the purposes of that person and exerts direction and control over the performance of the details of the service rendered.

~~(22)~~(25) "Resident manager" means the person appointed to exercise direct supervision, control, charge, management, or operation of each office located in this state where the business of the licensee is conducted.

~~(23)~~(26) (a) "Security alarm installer" means an individual who sells, installs, services, or maintains security alarm systems to detect and signal unauthorized intrusion, movement, break-in, or criminal acts and is employed by an electronic security company.

(b) The term does not include a person whose primary business is that of a locksmith and who may also install closed-circuit television cameras and battery-operated door devices.

~~(24)~~(27) (a) "Security alarm system" means an assembly of equipment and devices or a single device or a portion of a system intended to detect or signal or to both detect and signal unauthorized intrusion, movement, or criminal acts at a location.

(b) The term does not include systems that monitor temperature, humidity, or any other atmospheric condition not directly related to the detection of an unauthorized intrusion or criminal act at a location.

~~(25)~~(28) "Security company" means an electronic security company, a proprietary security organization, or a contract security company.

~~(26)~~(29) "Street patrol service" means a person providing patrols by means of foot, vehicle, or other method of transportation using public streets, thoroughfares, or property in the performance of the person's duties and responsibilities.

~~(27)~~(30) "Unarmed private investigator" means a private investigator who does not wear, carry, or possess a firearm in the performance of the individual's duties.

~~(28)~~(31) "Unarmed private security guard" means an individual who is employed by a contract security company or a proprietary security organization, whose duty or any portion of whose duty is that of a private security guard, armored car service guard, or alarm response runner, and who does not wear, carry, or possess a firearm in the performance of those duties.""

Insert: "Section 7. Section 37-60-103, MCA, is amended to read:

"37-60-103. Purpose. The purpose of this chapter is to increase the levels of integrity, competency, and performance of security companies and their employees who are required to be licensed, firearms instructors, private investigators, bail fugitive recovery agents, and process servers to safeguard the public health, safety, and welfare against illegal, improper, or incompetent actions committed by security companies and their licensed employees, firearms instructors, private investigators, or process servers.""

Insert: "Section 8. Section 37-60-202, MCA, is amended to read:

"37-60-202. Rulemaking power. The board shall adopt and enforce rules:

(1) fixing the qualifications of resident managers, licensees, holders of identification cards, and process servers, in addition to those prescribed in Title 25, chapter 1, part 11, and in this chapter, necessary to promote and protect the public welfare;

(2) establishing, in accordance with 37-1-134, application fees for original licenses and identification cards, and providing for refunding of any fees;

(3) (a) requiring approval of the board prior to the establishment of branch offices of any licensee; and

(b) establishing qualification requirements and license fees for branch offices identified in

subsection (3)(a);

(4) for the certification of private investigator, private security guard, security alarm installer, ~~and~~ alarm response runner, and bail fugitive recovery agent training programs, including the certification of firearms training programs;

(5) for the licensure of firearms instructors;

(6) for the approval of weapons;

(7) requiring licensees, except process servers, to file an insurance policy with the board; and

(8) providing for the issuance of probationary identification cards for private investigators and security alarm installers who do not meet the requirements for age, employment experience, or written examination.""

Insert: "Section 9. Section 37-60-301, MCA, is amended to read:

"37-60-301. License required -- process server registration required. (1) (a) Except as provided in 37-60-105, it is unlawful for any person to act as or perform the duties, as defined in 37-60-101, of a contract security company, a proprietary security organization, an electronic security company, a branch office, a private investigator, a security alarm installer, an alarm response runner, a resident manager, a certified firearms instructor, ~~or~~ a private security guard, or a bail fugitive recovery agent without having first obtained a license from the board.

(b) Except as provided in 25-1-1101(2), it is unlawful for any person to act as or perform the duties of a process server for more than 10 services of process in a calendar year without being issued a certificate of registration by the board.

(2) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that the person is licensed as a contract security company, a proprietary security organization, an electronic security company, a branch office, a private investigator, a security alarm installer, an alarm response runner, a resident manager, a certified firearms instructor, ~~or~~ a private security guard, or a bail fugitive recovery agent.

(3) A person appointed by the court as a confidential intermediary under 42-6-104 is not required to be licensed under this chapter. A person who is licensed under this chapter is not authorized to act as a confidential intermediary, as defined in 42-1-103, without meeting the requirements of 42-6-104.

(4) A person who knowingly engages an unlicensed contract security company, proprietary security organization, electronic security company, branch office, private investigator, security alarm installer, alarm response runner, resident manager, certified firearms instructor, ~~or~~ private security guard, or bail fugitive recovery agent is guilty of a misdemeanor punishable under 37-60-411.

(5) A bail bond agent, a surety, or a person licensed as a private investigator may not apprehend or make an arrest of a bail fugitive unless licensed as a bail fugitive recovery agent under this chapter.""

Insert: "Section 10. Section 37-60-303, MCA, is amended to read:

"37-60-303. License or registration qualifications. (1) Except as provided in subsection (7)(a), an applicant for licensure under this chapter or an applicant for registration as a process server under this chapter is subject to the provisions of this section and shall submit evidence that the applicant:

(a) is at least 18 years of age;

(b) is a citizen of the United States or a legal, permanent resident of the United States;

(c) has not been convicted in any jurisdiction of any felony or any crime involving moral turpitude or illegal use or possession of a dangerous weapon, for which a full pardon or similar relief has not been granted;

(d) has not been judicially declared incompetent by reason of any mental defect or disease or, if so declared, has been fully restored;

(e) is not suffering from habitual drunkenness or from narcotics addiction or dependence;

(f) is of good moral character; and

(g) has complied with other experience qualifications as may be set by the rules of the board.

(2) In addition to meeting the qualifications in subsection (1), an applicant for licensure as a private security guard, security alarm installer, ~~or~~ alarm response runner, or bail fugitive recovery agent shall:

(a) complete the requirements of a training program certified by the board and provide, on a form prescribed by the department, written notice of satisfactory completion of the training; and

(b) fulfill other requirements as the board may by rule prescribe.

(3) In addition to meeting the qualifications in subsection (1), each applicant for a license to act as a private investigator shall submit evidence under oath that the applicant:

(a) is at least 21 years of age;

(b) has at least a high school education or the equivalent;

(c) has not been dishonorably discharged from any branch of the United States military service; and

(d) has fulfilled any other requirements as the board may by rule prescribe.

(4) The board may require an applicant to demonstrate by written examination additional qualifications as the board may by rule require.

(5) An applicant for a license as a private security patrol officer, ~~or~~ private investigator, or bail fugitive recovery agent who will wear, carry, or possess a firearm in performance of the applicant's duties shall submit written notice of satisfactory completion of a firearms training program certified by or satisfactory to the board, as the board may by rule prescribe.

(6) Except for an applicant subject to the provisions of subsection (7)(a), the board shall require a background investigation of each applicant for licensure or registration under this chapter that includes a fingerprint check by the Montana department of justice and the federal bureau of investigation.

(7) (a) A firm, company, association, partnership, limited liability company, corporation, or other entity that intends to engage in business governed by the provisions of this chapter must be incorporated under the laws of this state or qualified to do business within this state and must be licensed by the board or, if doing business as a process server, must be registered by the board.

(b) Individual employees, officers, directors, agents, or other representatives of an entity described in subsection (7)(a) who engage in duties that are subject to the provisions of this part must be licensed pursuant to the requirements of this part or, if doing business as a process server, must be registered by the board.""

Insert: "Section 11. Section 37-60-304, MCA, is amended to read:

"37-60-304. Licenses and registration -- application form and content. (1) An application for a license or for a certificate of registration as a process server must be submitted to the department and accompanied by the application fee set by the board.

(2) An application must be made under oath and must include:

(a) the full name and address of the applicant;

(b) the name under which the applicant intends to do business;

(c) a statement as to the general nature of the business in which the applicant intends to engage;

(d) a statement as to whether the applicant desires to be licensed as a contract security company, a proprietary security organization, an electronic security company, a branch office, a certified firearms instructor, a private investigator, a security alarm installer, an alarm response runner, a resident manager, ~~or~~ a private security guard, or a bail fugitive recovery agent or registered as a process server;

(e) except for an applicant pursuant to 37-60-303(7)(a), one recent photograph of the applicant, of a type prescribed by the department, and one classifiable set of the applicant's fingerprints;

(f) a statement of the applicant's age and experience qualifications, except for an applicant pursuant to 37-60-303(7)(a); and

(g) other information, evidence, statements, or documents as may be prescribed by the rules of the board.

(3) The board shall verify the statements in the application.

(4) The submittal of fingerprints is a prerequisite to the issuance of a license or certificate of registration to an applicant, other than an applicant under 37-60-303(7)(a), by means of fingerprint checks by the Montana department of justice and the federal bureau of investigation.""

Insert: "Section 12. Section 37-60-405, MCA, is amended to read:

"37-60-405. Approval of weapons. The weapons to be carried by armed licensees or holders of identification cards as private security personnel, ~~or~~ private investigators, or bail fugitive recovery agents licensed under this chapter must be approved by the board.""

Insert: "Section 13. Section 46-9-510, MCA, is amended to read:

"46-9-510. Surrender of defendant. (1) At any time before the forfeiture of bail or within 90 days after forfeiture:

(a) the defendant may surrender to the court or any peace officer of this state; or

(b) the surety ~~company~~ licensed as a bail fugitive recovery agent under Title 37, chapter 60, or acting through a licensed bail fugitive recovery agent may arrest the defendant and surrender the defendant to the court, any peace officer, or any detention center facility of this state.

(2) The peace officer or detention center facility shall detain the defendant in custody as upon commitment and shall file a certificate, acknowledging the surrender, in the court having jurisdiction of the defendant. The court shall then order the bail exonerated.""

Renumber: subsequent section

24. Page 4, line 1.
Strike: "8"
Insert: "5"

25. Page 4, line 2.
Strike: "8"
Insert: "5"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 3/22/2013
SR 29, be adopted. Report adopted.

FISH AND GAME (Brenden, Chair): 3/26/2013
SB 397, do pass. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 3/27/2013
HB 446, be concurred in. Report adopted.
HB 546, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 3/27/2013
SB 396, do pass. Report adopted.
SB 401, do pass. Report adopted.
HB 392, be concurred in. Report adopted.
HB 533, be concurred in. Report adopted.
HB 547, be amended as follows:

1. Page 1.
Following: line 23
Insert: "(5) The list of applicable permits and timelines may not include federal timelines or federal approvals for projects that include a federal partner."

And, as amended, be concurred in. Report adopted.

HB 564, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/22/2013
SR 23, be adopted. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/27/2013
SR 22, **preliminary report**, be adopted. Report adopted.
SR 24, **not** be adopted. Report adopted.
HB 30, be concurred in. Report adopted.
HB 46, be concurred in. Report adopted.
HB 78, be concurred in. Report adopted.
HB 95, be concurred in. Report adopted.
HB 122, be concurred in. Report adopted.
HB 145, be concurred in. Report adopted.
HB 320, be concurred in. Report adopted.
HB 410, be concurred in. Report adopted.
HB 448, be concurred in. Report adopted.
HB 461, be concurred in. Report adopted.
HB 498, be concurred in. Report adopted.
HB 552, be concurred in. Report adopted.

HB 554, be amended as follows:

1. Page 2, line 5 through line 11.
Strike: line 5 through line 11 in their entirety
Insert: "(c) Unused employer contributions must be transferred to an account as provided in 2-18-703 for a legislator who is a state employee and who has contributions paid for by another agency when the legislature is not in session."

And, as amended, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 3/27/2013
SB 282, introduced bill, be amended as follows:

1. Title, page 1, line 20 through line 21.
Strike: "15-31-907" on page 1, line 20 through "15-31-908," on line 21

2. Page 2, line 24.
Strike: "and"

3. Page 2, line 26.
Following: "income"
Insert: "; and
(g) a deduction for an income distribution from an estate or trust to a beneficiary that was included in the federal taxable income of an estate or trust in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661"

4. Page 3, line 3.
Strike: "(iii) tribal source income;"

5. Page 3, line 12.
Strike: "and"

6. Page 3, line 15.
Following: "residence"
Insert: ";
(f)(i) except as provided in subsection (3)(f)(ii), the first $3,830 of all pension and annuity income received as defined in 15-30-2101 for each taxpayer filing singly, head of household, or married filing separately and the first $7,660 of all pension and annuity income in the case of married taxpayers filing jointly;
(ii) for pension and annuity income described under subsection (3)(f)(i), as follows:
(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (3)(f)(i) by $2 for every $1 of federal adjusted gross income in excess of $31,920 as shown on the taxpayer's return;
(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion

claimed as provided in subsection (3)(f)(i) must be reduced by $2 for every $1 of federal adjusted gross income in excess of $63,840 as shown on their joint return;

(g) a deduction for an income distribution from an estate or trust to a beneficiary in accordance with sections 651 and 661 of the Internal Revenue Code, 26 U.S.C. 651 and 661, recalculated according to subsections (2) and (3)(a) through (3)(e); and

(h) for each taxpayer that has attained the age of 65, an additional subtraction calculated pursuant to subsection (4).

(4)(a) Except as provided in subsection (4)(c), each taxpayer that has attained the age of 65 before the close of the taxpayer's tax year is entitled to elect an additional subtraction from federal taxable income under subsection (4)(a)(i) or (4)(a)(ii) equal to:

(i) (A) $2,600 for each taxpayer filing singly, head of household, or married filing separately or, in the case of married taxpayers filing jointly, if only one spouse has attained the age of 65;

(B) subject to subsection (4)(b), $5,200 in the case of married taxpayers filing jointly if both spouses have attained the age of 65; or

(ii) (A) up to $5,200 of premium payments for medical care and long-term care insurance premium payments as provided in subsection (4)(d) for each taxpayer filing singly, head of household, or married filing separately or, in the case of married taxpayers filing jointly, if only one spouse has attained the age of 65;

(B) subject to subsection (4)(b), up to $10,400 of premium payments for medical care and long-term care insurance premium payments as provided in subsection (4)(d) in the case of married taxpayers filing jointly if both spouses have attained the age of 65.

(b) Married taxpayers filing jointly who have both attained the age of 65 by the close of the taxpayers' tax year shall use the same election and are not entitled to split the elections in subsection (4)(a)(i) and (4)(a)(ii).

(c) The election amounts in subsections (4)(a)(i) and (4)(a)(ii) are reduced as follows:

(i) each taxpayer filing singly, head of household, or married filing separately or, in the case of married taxpayers filing jointly, if only one spouse has attained the age of 65 shall reduce the total amount of the subtraction provided in subsection (4)(a)(i) and (4)(a)(ii) by $1 for every $10 of federal adjusted gross income in excess of $50,000 as shown on the taxpayer's return;

(ii) in the case of married taxpayers filing jointly if both spouses have attained the age of 65, the taxpayers shall reduce the total amount of the subtraction provided in subsection (4)(a)(i) and (4)(a)(ii) by $1 for every $10 of federal adjusted gross income in excess of $100,000 as shown on the taxpayer's return.

(d) For the purpose of subsection (4)(a)(ii):

(i) a subtraction is allowed only to the extent that the amount was not already excluded as a deduction or expense in determining federal taxable income or claimed as a credit under 15-30-2366;

(ii) "long-term care insurance premium payments" means long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for the benefit of the taxpayer; and

(iii) "premium payments for medical care" means premium payments made by the taxpayer for coverage of the taxpayer's insurance for medical care, as defined in 26 U.S.C. 213(d).

(5) By November 1 of each year, the department shall multiply the amount of pension and annuity income contained in subsection (3)(f)(i), the subtractions from federal taxable income for taxpayers that have attained the age of 65 contained in subsections (4)(a)(i) and (4)(a)(ii), and the federal adjusted gross income amounts in subsection (3)(f)(ii), (4)(c)(i) and (4)(c)(ii) by the inflation

factor for that tax year, but using the year 2014 consumer price index, and round the results to the nearest $10. The resulting amounts are effective for that tax year and must be used as the basis for the exemption determined under subsection (3)(f) and the subtraction from federal taxable income determined under subsection (4)(a)"

7. Page 8, line 22.
Strike: "a single"
Insert: "one"

8. Page 13, line 16.
Strike: "5.9%"
Insert: "6%"

9. Page 13, line 19.
Strike: "5.9%"
Insert: "6%"

10. Page 13, line 23.
Strike: "5.9%"
Insert: "6%"

11. Page 13, line 27.
Strike: "5.9%"
Insert: "6%"

12. Page 13, line 28.
Following: "reduced"
Insert: "by 1.5%"

13. Page 13, line 29 through page 14, line 3.
Strike: ", as follows:" on page 13, line 29 through "subsection (1)" on page 14, line 3

14. Page 14, line 4 through line 7.
Strike: subsection (3) in its entirety
Insert: " (3) In applying the rates in effect under subsection (1) and the rate reduction for net capital gain income under subsection (2), Montana taxable income is divided into an ordinary income category and a net capital gain category. The rate of tax applied toward each category is calculated as follows:

(a) Ordinary income is taxed first by applying the 4% rate up to the limit of the 4% rate bracket determined under subsection (1) and at the 6% rate to the extent that ordinary income exceeds the 4% rate bracket.

(b) Net capital gain income is taxed after applying the rates in subsection (1) to all ordinary income as provided in subsection (3)(a), and the total amount of ordinary income subject to tax in subsection (3)(a) is the starting point for determining the rates that are applied toward net capital gain income. The rate of tax applied toward net capital gain income is calculated as follows:

(i) If the total amount of Montana taxable income is less than or equal to the amount of income subject to tax at the 4% rate bracket determined under subsection (1), then net capital gain income is taxed at a 2.5% rate.

(ii) If the total amount of ordinary income is less than the amount of income subject to tax at the 4% rate bracket determined under subsection (1) and the total amount of Montana taxable income exceeds the amount of income subject to tax at the 4% rate bracket determined under subsection (1), then all ordinary income is subject to tax at the 4% rate bracket and net capital gain income is taxed as follows:

(A) The ordinary income subject to tax in subsection (3)(b)(ii) is subtracted from the amount of income subject to tax at the 4% rate bracket under subsection (1), and the difference from this calculation equals the amount of net capital gain income taxed at a 2.5% rate.

(B) All remaining net capital gain income that remains after applying the tax rates to the ordinary income and net capital gain income in subsection (3)(b)(ii)(A) is taxed at a 4.5% rate.

(iii) If ordinary income equals or exceeds the amount of income subject to tax at the 6% rate bracket under subsection (1), then all net capital gain income is taxed at a 4.5% rate."

15. Page 14, line 8.
Following: "(4)"
Insert: "(a)"

16. Page 14, line 9.
Following: "nearest"
Insert: ": (i)"
Following: "$100"
Insert: "for the joint bracket under subsection (1)(a);

(ii) $25 for the head of household bracket under subsection (1)(b); and

(iii) $50 for the separate return brackets under subsections (1)(c) and (1)(d)"

17. Page 14, line 10.
Following: line 9
Insert: "(b)"

18. Page 14, line 12.
Following: line 11
Insert: "(5) For the purposes of this section, the term “ordinary income” means Montana taxable income less net capital gain income."

19. Page 14, line 16.
Strike: "federal taxable"
Insert: "total"

20. Page 14, line 17.
Following: "~~from all sources~~"
Insert: "from all sources"

21. Page 15, line 14.
Following: "nonresident"
Insert: "for any part of the tax year"

22. Page 15, line 18.
Strike: "and"
Insert: "or"

23. Page 17, line 1.
Following: "trust"
Insert: "as adjusted in [section 1]"

24. Page 22, line 14.
Following: "(1)"
Insert: "(a)"

25. Page 22, line 24.
Following: line 23
Insert: "(b) A taxpayer that is not required to file a federal income tax return shall file a Montana return if the taxpayer has Montana taxable income after taking into consideration the additions and subtractions to federal taxable income in [section 1]."

26. Page 36, line 6 through page 37, line 26.
Strike: section 32 through section 33 in their entirety
Renumber: subsequent sections

27. Page 46, line 22.
Following: "~~state,~~"
Insert: "state,"
Following: "county~~,~~"
Insert: ","
Following: "for~~:~~"
Insert: ":
(a) a benefit or annuity received in excess of the amount determined pursuant to [section 1]; or
(b)"

28. Page 46, line 29.
Following: "~~**taxation and**~~"
Insert: "**taxation and**"

29. Page 47, line 1.
Following: "~~(2)~~"
Insert: "(1) The amount determined pursuant to [section 1] of benefits received under this part is exempt from state, county, and municipal taxation.

(2)"

30. Page 47, line 5.
Following: "~~**and taxation**~~"
Insert: "**and taxation**"
Following: "~~(1)~~"
Insert: "(1)"

31. Page 47, line 12.
Following: "~~taxation.~~"
Insert: "(2) The amount determined pursuant to [section 1] of benefits received under this part is exempt from state, county, and municipal taxation."

32. Page 47, line 15.
Following: "~~**and taxation**~~"
Insert: "**and taxation**"
Following: "~~(1)~~"
Insert: "(1)"

33. Page 47, line 21.
Following: "~~taxation.~~"
Insert: "(2) The amount determined pursuant to [section 1] of benefits received under this part is exempt from state, county, and municipal taxation."

34. Page 47, line 28.
Following: "~~state,~~"
Insert: "state,"
Following: "county~~,~~"
Insert: ","
Following: "~~Montana~~"
Insert: "of the state of Montana"
Following: "except for~~:~~"
Insert: ":"

35. Page 48, line 1.
Following: "~~(b)~~"
Insert: "(a) a retirement allowance received in excess of the amount determined pursuant to [section 1]; or
(b)"

36. Page 48, line 13.
Following: "~~15-30-2110(2)(c),~~"
Insert: "except for a retirement allowance received in excess of the amount determined pursuant to [section 1],"
Following: "~~state,~~"

Insert: "state,"
Following: "county,"
Insert: ","

And, as amended, do pass. Report adopted.

SB 394, do pass. Report adopted.
SB 398, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "CREATING" on page 1, line 5 through "IMPROVEMENTS;" on line 6

2. Title, page 1, line 7.
Following: "RESIDENTIAL"
Insert: "AND COMMERCIAL"
Following: "PROPERTY,"
Insert: "AND"

3. Title, page 1, line 8.
Strike: ", AND CLASS SEVENTEEN COMMERCIAL PROPERTY"

4. Title, page 1, line 15.
Strike: "15-6-156, 15-6-229,"
Insert: "15-6-211,"
Strike: "15-7-202,"

5. Title, page 1, line 16.
Strike: "15-10-420,"
Strike: "15-24-2101, 15-24-2102, 15-24-3001, 15-24-3201,"

6. Page 1, line 22 through page 2, line 17.
Strike: section 1 in its entirety
Renumber: subsequent sections

7. Page 5, line 13.
Following: "15-6-134,"
Insert: "or"
Strike: ", or [section 1]"

8. Page 6, line 7 through line 9.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

9. Page 6, line 15.
Strike: "(4)"

Insert: "(3)"

10. Page 6, line 17.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

11. Page 6, line 18.
Strike: "(1)(d)"
Insert: "(1)(c)"

12. Page 6, line 21 through page 9, line 6.
Strike: section 4 in its entirety
Insert: "Section 3. Section 15-6-134, MCA, is amended to read:

"15-6-134. Class four property -- description -- taxable percentage. (1) Class four property includes:

(a) subject to 15-6-222 and subsections (1)(f) and (1)(g) of this section, all land, except that specifically included in another class;

(b) subject to 15-6-222 and subsections (1)(f) and (1)(g) of this section, all improvements, including trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(c) the first $100,000 or less of the ~~taxable~~ market value of any improvement on real property, including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned or under contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of one or more qualified claimants~~:~~

~~(i) for tax year 2009, whose federal adjusted gross income did not exceed the thresholds established in subsection (2)(b)(i); or~~

~~(ii) for tax years after tax year 2009,~~ whose total household income did not exceed the thresholds established in subsection (2)(b)(i);

(d) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(e) subject to 15-6-222(1), all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(f) (i) single-family residences, including trailers, manufactured homes, or mobile homes;

(ii) rental multifamily dwelling units;

(iii) appurtenant improvements to the residences or dwelling units, including the parcels of land upon which the residences and dwelling units are located and any leasehold improvements; and

(iv) vacant residential lots; and

(g) (i) commercial buildings and the parcels of land upon which they are situated; and

(ii) vacant commercial lots.

(2) Class four property is taxed as follows:

(a) Except as provided in 15-24-1402, 15-24-1501, 15-24-1502, and 15-24-2101, property described in subsections (1)(a), (1)(b), ~~and (1)(e) through~~ and (1)(g) of this section is taxed at~~:~~

~~(i) 2.93% of its taxable market value in tax year 2009;~~
~~(ii) 2.82% of its taxable market value in tax year 2010;~~
~~(iii) 2.72% of its taxable market value in tax year 2011;~~
~~(iv) 2.63% of its taxable market value in tax year 2012;~~
~~(v) 2.54% of its taxable market value in tax year 2013; and~~
~~(vi) 2.47%~~ 1.94% of its ~~taxable~~ market value in tax years beginning after ~~2013~~ December 31, 2014.

(b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at the rate provided in subsection ~~(2)(a)~~ (2)(d) of its ~~taxable~~ market value multiplied by a percentage figure based on the income for the preceding calendar year of the owner or owners who occupied the property as their primary residence and determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
$0 - $6,000	$0 - $8,000	20%
$6,001 - $9,200	$8,001 - $14,000	50%
$9,201 - $15,000	$14,001 - $20,000	70%

(ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually by the department. The adjustment to the income levels is determined by:

(A) multiplying the appropriate dollar amount from the table in subsection (2)(b)(i) by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and

(B) rounding the product thus obtained to the nearest whole dollar amount.

(iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

(c) Property described in subsection (1)(d) is taxed at one-half the taxable percentage rate established in subsection (2)(a).

(d) Except as provided in 15-24-1501, property described in subsection (1)(c), (1)(e), and (1)(f) of this section is taxed on its market value at a tax rate equal to 67.5% of the tax rate established in subsection (2)(a) beginning after December 31, 2014.

(3) Within the meaning of comparable property, as defined in 15-1-101, property assessed as commercial property is comparable only to other property assessed as commercial property and property assessed as other than commercial property is comparable only to other property assessed as other than commercial property.

(4) (a) As used in this section, "qualified claimants" means one or more owners who:

(i) occupied the residence as their primary residence for more than 7 months during the preceding calendar year;

(ii) had combined income for the preceding calendar year that does not exceed the threshold provided in subsection (2)(b); and

(iii) file a claim for assistance on a form that the department prescribes on or before April 15 of the year for which the assistance is claimed.

(b) For the purposes of subsection (1)(c), total household income is the income as reported on the tax return or returns required by Title 15, chapter 30 or 31, for the year in which the assistance is being claimed excluding losses, depletion, and depreciation and before any federal or state adjustments to income. In cases in which the claimant is not required to file a tax return

under Title 15, chapter 30 or 31, household income means the household's total income as it would have been calculated under this subsection (4)(b) if the claimant had been required to file a return.

(c) The combined income of two or more owners who are qualified claimants:

(i) may not exceed the married couple and head of household thresholds provided in subsection (2)(b); and

(ii) determines the amount of tax reduction under subsection (2)(b).""

13. Page 9, line 8 through page 11, line 6.
Strike: section 5 through section 6 in their entirety
Insert: "Section 4. Section 15-6-211, MCA, is amended to read:

"15-6-211. Certain disabled or deceased veterans' residences exempt. (1) Subject to subsection (7), a residence and appurtenant land, not to exceed 5 acres, on which it is built that is owned and occupied by a veteran or a veteran's spouse is exempt from property taxation as provided in this section if the veteran:

(a) was killed while on active duty or died as a result of a service-connected disability; or

(b) if living:

(i) was honorably discharged from active service in any branch of the armed services; and

(ii) is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs.

(2) Property qualifying under subsection (1) is taxed at the rate provided in ~~15-6-134(2)(a)~~ 15-6-134(2)(d) multiplied by a percentage figure based on income and determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
$0 - $30,000	$0 - $36,000	0%
$30,001 - $33,000	$36,001 - $39,000	20%
$33,001 - $36,000	$39,001 - $42,000	30%
$36,001 - $39,000	$42,001 - $45,000	50%

(3) The property tax exemption under this section remains in effect as long as the property is the primary residence owned and occupied by the veteran or, if the veteran is deceased, by the veteran's spouse and the spouse:

(a) is the owner and occupant of the house;

(b) is unmarried; and

(c) has obtained from the U.S. department of veterans affairs a letter indicating that the veteran was rated 100% disabled or was paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability at the time of death or that the veteran died while on active duty or as a result of a service-connected disability.

(4) Property qualifying under subsection (3) is taxed at the rate provided in 1~~5-6-134(2)(a)~~ 15-6-134(2)(d) multiplied by a percentage figure based on income and determined from the following table:

Income Surviving Spouse	Percentage Multiplier
$0 - $25,000	0%

$25,001 - $28,000 20%
$28,001 - $31,000 30%
$31,001 - $34,000 50%

(5) For the purposes of the exemption under this section, the income referred to in subsections (2) and (4) is the taxpayer's federal adjusted gross income for the preceding calendar year, as reported on the taxpayer's federal income tax return. A taxpayer who is not required to file a federal income tax return for the preceding calendar year shall determine the taxpayer's federal adjusted gross income as if the taxpayer had filed a return and shall provide other evidence of income as required by the department.

(6) (a) The income levels contained in the tables in subsections (2) and (4) must be adjusted for inflation annually by the department. The adjustment to the income levels is determined by:

(i) multiplying the appropriate dollar amount from the table by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 2002; and

(ii) rounding the product obtained in subsection (6)(a)(i) to the nearest dollar amount.

(b) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

(7) A claim for exemption on a form prescribed by the department must be filed with the department on or before April 15 of the year for which the exemption is claimed.""

Renumber: subsequent sections

14. Page 12, line 19.
Following: "~~and~~"
Insert: "and"

15. Page 12, line 20.
Strike: "and" through "[section 1],"

16. Page 12, line 22.
Following: "~~and~~"
Insert: "and"

17. Page 12, line 22 through line 23.
Strike: "and class" on page 12, line 22 through "[section 1]," on line 23

18. Page 13, line 15.
Strike: "or class seventeen property under [section 1]"

19. Page 15, line 2.
Strike: "and [section 1]"

20. Page 16, line 7.
Following: "~~and~~"

Insert: "and"

21. Page 16, line 7 through line 8.
Strike: ", and" on page 16, line 7 through "section" on line 8

22. Page 16, line 9.
Following: "15-6-134,"
Insert: "and"

23. Page 16, line 9 through line 10.
Strike: ", and class" on page 16, line 9 through "1]" on line 10

24. Page 16, line 27.
Following: "~~and~~"
Insert: "and"
Strike: ", and seventeen"

25. Page 17, line 6.
Following: line 5
Insert: "and"
Strike: ", and seventeen"

26. Page 22, line 3 through page 24, line 17.
Strike: section 15 in its entirety
Renumber: subsequent sections

27. Page 25, line 6.
Following: "~~and commercial~~"
Insert: "and commercial"

28. Page 25, line 6 through line 7.
Strike: "and class seventeen" on page 25, line 6 through "[section 1]" on line 7

29. Page 26, line 16.
Following: "~~and~~"
Insert: "and"

30. Page 26, line 16 through line 17.
Strike: ", and" on page 26, line 16 through "[section 1]" on line 17

31. Page 27, line 1.
Strike: subsection (g) in its entirety

32. Page 27, line 8 through page 29, line 22.
Strike: section 17 in its entirety

Renumber: subsequent sections

33. Page 31, line 20 through page 36, line 2.
Strike: section 20 through section 23 in their entirety
Renumber: subsequent sections

34. Page 37, line 20.
Strike: "on January 1 of each tax year after 2016"
Insert: "thereafter on January 1 of the first year of each 2-year cycle"

35. Page 41, line 1 through line 2.
Strike: section 29 in its entirety
Renumber: subsequent sections

36. Page 41, line 4.
Strike: "[Sections 9, 29, and 31]"
Insert: "[Sections 7 and 22]"

37. Page 41, line 6.
Strike: "[Sections 1 through 8 and 10 through 28]"
Insert: "[Sections 1 through 6 and 8 through 20]"

38. Page 41, line 8.
Strike: "[Section 9]"
Insert: "[Section 7]"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

March 27, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Essmann:

On Wednesday, March 27, 2013, I signed the following Senate bills:

Senate Bill 21 - Arthun
Senate Bill 35 - Keane
Senate Bill 55 - Kaufmann

Senate Bill 92 - Olson
Senate Bill 104 - Webb
Senate Bill 211 - Moore
Senate Bill 213 - Larsen
Senate Bill 343 - Arntzen

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/27/2013

HB 15, introduced by McClafferty
HB 218, introduced by Ankney
HB 574, introduced by Edmunds
HB 579, introduced by Hagan
HB 588, introduced by Harris
HB 609, introduced by Connell

March 28, 2013

Dear President Essmann:

Pursuant to Joint Rule 20-10, the House requests consent of the Senate for a recess of four calendar days. The reason for this recess being the celebration of the Easter holiday.

Sincerely,

Mark Blasdel
Speaker of the House
Montana House of Representatives

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committee:

SR 43, introduced by T. Brown (by request of the Senate Agriculture, Livestock, and Irrigation

Standing Committee), referred to Agriculture, Livestock and Irrigation.
SR 44, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 45, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 46, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 47, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 48, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 148 - **House Amendments** - Senator L. Jones moved House amendments to **SB 148** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

HB 12 - Senator Jergeson moved **HB 12** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane,

Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 40

Nays: Boulanger, Fielder, Priest, Sales, Vincent, Walker, Wittich, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

HB 205 - Senator Vincent moved consideration of **HB 205** be passed for the day. Without objection, so ordered.

HB 84 - Senator Caferro moved **HB 84** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

SB 369 - Senator Facey moved **SB 369** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

SB 355 - Senator Hamlett moved **SB 355** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

Senator Peterson excused at this time.

HB 465 - Senator Vuckovich moved **HB 465** be concurred in. Motion carried as follows:

Yeas: Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 33

Nays: Arntzen, Jackson, Moore, Priest, Ripley, Sales, Sonju, Thomas, Tropila, Vincent, Walker, Webb, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Augare, Peterson, Phillips.
Total 3

Senator Peterson present at this time.

SB 386 - Senator Facey moved **SB 386** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 41

Nays: Brenden, Ripley, Sales, Sonju, Vincent, Webb, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

HB 124 - Senator Webb moved **HB 124** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 43

Nays: D. Brown, Taylor, Walker, Wittich, Mr. President.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

SB 240 - Senator Tutvedt moved **SB 240** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 43

Nays: Barrett Dick, Blewett, Caferro, Facey, Kaufmann.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

HB 66 - Senator Taylor moved **HB 66** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Mr. President.
Total 43

Nays: Hamlett, Ripley, Sales, Windy Boy, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare, Phillips.
Total 2

SB 120 - **House Amendments** - Senator Buttrey moved House amendments to **SB 120** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Blewett, D. Brown, Tropila, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 26 - **House Amendments** - Senator Jergeson moved House amendments to **SB 26** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Brenden, D. Brown, Jackson, Sales, Sonju, Taylor, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 11 - **House Amendments** - Senator Caferro moved House amendments to **SB 11** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 18 - **House Amendments** - Senator Hamlett moved House amendments to **SB 18** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 122 - **House Amendments** - Senator Facey moved House amendments to **SB 122** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

SB 133 - **House Amendments** - Senator Rosendale moved House amendments to **SB 133** be concurred in.

SB 133 - **House Amendments** - Senator Driscoll made a **substitute motion** that House amendments to **SB 133** be **not** concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jones, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 217 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 22

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 297 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 359 concurred in as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 502 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: D. Brown, Murphy, Sales, Walker.
Total 4

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 127 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 41

Nays: D. Brown, Fielder, Jackson, Sales, Walker, Webb, Wittich, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 170 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 37

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Kaufmann, Larsen, Sesso,

Stewart-Peregoy, Tropila, Van Dyk, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 256 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 44

Nays: Augare, Barrett Debby, Walker, Wittich, Mr. President.
Total 5

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 106 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Sales, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 388 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 451 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 513 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 37

Nays: Augare, Barrett Dick, D. Brown, Caferro, Facey, Jent, Kaufmann, Malek,

Stewart-Peregoy, Van Dyk, Wanzenried, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HJR 9 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Barrett Dick, Facey, Jent, Jergeson, Kaufmann, Malek, Van Dyk, Wanzenried.
Total 8

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 189 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 36

Nays: Arthun, D. Brown, Moore, Rosendale, Sales, Sonju, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 508 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 3/27/2013
SB 374, introduced bill, be amended as follows:

1. Page 2, line 20.
Strike: "for-profit" through "organization,"

2. Page 2, line 21.
Strike: ", school" through "entity"

3. Page 2, line 22.
Strike: "educational" through "or"

4. Page 5, line 12.
Following: "."
Insert: "The total number of public charter schools for which the commission may act as authorizer is five for fiscal year 2014, and this number must increase by five for each subsequent fiscal year."

5. Page 5, line 13.
Strike: "register"
Insert: "apply"

6. Page 5, line 15.
Strike: "[section 6]"
Insert: "an authorizer"

7. Page 6, line 12.
Strike: the first "and"
Following: "nonrenewal"
Insert: ", and school closure"

8. Page 7, line 11.
Following: line 11
Insert: "(v) addressing the dropout rate;"
Renumber: subsequent subsections

9. Page 13, line 13.
Strike: "substantial educational services,"
Strike: "or both,"

10. Page 14, line 3.
Following: line 3
Insert: "(11) If a public charter school proposal does not contain the elements required in this section, the authorizer may consider the proposal nonresponsive and reject the proposal without the process described in subsection (12)."
Renumber: subsequent subsections

11. Page 14, line 15 through line 16.
Strike: "Within" on line 15 through "proposal." on line 16
Insert: "The authorizer shall approve or deny the charter proposal within 60 days after the filing of a charter proposal, except the commission has up to 120 days if more than three proposals have been submitted to the commission within 30 days. The commission shall notify the applicant of the expected timeline for approval or denial.
(b)"
Renumber: subsequent subsections

12. Page 17, line 17.
Following: "attendance"
Insert: ", dropout, promotion, and graduation rates"

13. Page 17, line 19.
Following: line 19
Insert: "(g) attainment of accreditation from a regionally or nationally recognized accreditation agency;"
Renumber: subsequent subsections

14. Page 17, line 21.
Strike: "performance"
Insert: "elections, performance,"

15. Page 20, line 26.

Following: "reason, the"
Insert: "nonrestricted distributable"

16. Page 20, line 28.
Following: "school,"
Insert: "then to public school districts to which students previously attending the closed charter school are returning on a prorated per-pupil basis,"

17. Page 21, line 21.
Following: line 21
Insert: "(e) The founding governing board of a public charter school may not be in place for longer than 3 years of operation, at which time the governing board must be elected by a process outlined in the charter school bylaws. The election process must include the following:

(i) parents and guardians of students enrolled in the school shall nominate candidates for the governing board;

(ii) if the number of nominees is equal to the number of vacancies, no election is required;

(iii) if the number of nominees is greater than the number of vacancies, the election must be decided by the qualified electors of the district as part of the next regular school election; and

(iv) the terms of board members must be staggered to ensure continuity on the governing board."

18. Page 21, line 22.
Following: "created"
Insert: "with fewer than 12 students or"

19. Page 21, line 29.
Following: line 29
Insert: "(3) A public charter school shall function as a local educational agency. A public charter school is responsible for meeting the requirements of a local educational agency under applicable federal, state, and local laws, including those relating to special education."
Renumber: subsequent subsections

20. Page 22, line 25.
Following: line 25
Insert: "(b) A public charter school shall establish and publish a grievance policy that includes contact information for the school's authorizer and the commission."
Renumber: subsequent subsections

21. Page 23, line 2.
Following: line 2
Insert: "(f) A public charter school shall establish purchasing
procedures that include a competitive bidding process for purchases or contracts exceeding

$50,000.

(g) Members of the public charter school governing board and school administrators shall disclose private financial interests, if any exist, prior to taking official action."

22. Page 23, line 4.
Strike: "the qualification of"
Insert: "federally defined highly qualified"

23. Page 23, line 14.
Following: line 13
Insert: "(e) A public charter school shall maintain a record of the qualifications of each teacher employed by the school."

24. Page 23, line 15 through line 17.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

25. Page 23, line 30.
Following: "equal to"
Insert: "65% of"
Following: "total"
Insert: "annual"

26. Page 24, line 1.
Strike: "for the previous school year"
Insert: ", not to exceed $8,000"

27. Page 24, line 2.
Following: "figure"
Insert: "based on the most current available data"

28. Page 24, line 7.
Strike: subsection (e) in its entirety
Renumber: subsequent subsections

29. Page 24, line 10.
Strike: subsection (h) in its entirety
Renumber: subsequent subsections

30. Page 24, line 12.
Strike: subsection (j) in its entirety
Renumber: subsequent subsections

31. Page 24, line 17.
Strike: subsection (o) in its entirety

Renumber: subsequent subsections

32. Page 24, line 18.
Following: "acquisition;"
Insert: "and"

33. Page 24, line 19 through line 22.
Strike: ";" on line 19 through "agreement" on line 22

And, as amended, do pass. Report adopted.

HB 182, be concurred in. Report adopted.
HB 240, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "PROHIBITING" on line 7 through "EXCEPTIONS;" on line 8

2. Title, page 1, line 12.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

3. Page 2, line 12.
Strike: "6"
Insert: "5"

4. Page 3, line 5 through line 20.
Strike: section 4 in its entirety
Renumber: subsequent sections

5. Page 3, line 22.
Strike: "**Firearms permitted**"
Insert: "**Regulation of firearms prohibited**"

6. Page 3, line 22 through line 23.
Strike: "subsection" on line 22 through "(2)" on line 23
Insert: "subsections (2) and (3)"

7. Page 4, line 11.
Following: line 11
Insert: "(3) The board of regents or a unit of the university system may regulate or restrict the possession, carrying, transportation, or storage of firearms upon or within university system property if the board of regents or a unit of the university system designs and implements a "campus carry" program in which a person who applies for and is granted a "campus carry" permit is allowed to possess, carry, transport, and store a firearm upon or within university system property."

8. Page 4, line 14.
Strike: "6"
Insert: "5"

9. Page 4, line 20.
Strike: "6"
Insert: "5"

10. Page 5, line 23.
Strike: "6"
Insert: "5"

11. Page 5, line 25.
Strike: "6"
Insert: "5"

12. Page 6, line 1.
Strike: "on passage and approval"
Insert: "January 1, 2014"

And, as amended, be concurred in. Report adopted.

HB 286, be amended as follows:

1. Title, page 1, line 7.
Following: "TRIBE"
Insert: "LOCATED WITHIN THE BOUNDARIES OF THE STATE OF MONTANA"

2. Page 1, line 24.
Following: "tribe"
Insert: "located within the boundaries of the state of Montana"

And, as amended, be concurred in. Report adopted.

HB 301, be amended as follows:

1. Title, page 1, line 4.
Following: "DISTRICT"
Insert: ", A K-12 DISTRICT,"

2. Title, page 1, line 5 through line 6.
Strike: "TO 100%" on line 5 through "TAXATION" on line 6

3. Page 1, line 17.
Strike: "100%"

Insert: "80%"

4. Page 1, line 23.
Strike: "is up to 100%"
Insert: "regardless of whether the general obligation bonds finance elementary program improvements or high school program improvements, is the sum of 80%"

5. Page 1, line 23.
Following: "property"
Insert: "in its elementary program"
Following: "taxation"
Insert: "and 80% of the taxable value of the property in its high school program subject to taxation"

6. Page 1, line 25.
Strike: "The"
Insert: "Unless the maximum amount calculated under subsection (1)(a) yields a greater amount, the"

7. Page 1, line 30.
Strike: "50%"
Insert: "80%"

8. Page 2, line 1.
Following: "district,"
Insert: "unless the maximum amount calculated under subsection (1)(b) yields a greater maximum amount,"

9. Page 2, line 2.
Strike: "50%"
Insert: "80%"

10. Page 3, line 10.
Strike: "100%"
Insert: "80%"

And, as amended, be concurred in. Report adopted.

HB 313, be concurred in. Report adopted.
HJR 14, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 3/28/2013
SR 32, be adopted. Report adopted.

JUDICIARY (Murphy, Chair): 3/28/2013
SB 387, introduced bill, be amended as follows:

1. Title, page 1, line 13.
Following: ";"
Insert: "CLARIFYING THE STANDING REQUIREMENT FOR THE FILING OF ETHICS COMPLAINTS;"
Following: "SECTIONS"
Insert: "2-2-136,"

2. Page 2.
Following: line 28
Insert: "Section 4. Section 2-2-136, MCA, is amended to read:

"2-2-136. Enforcement for state officers, legislators, and state employees -- referral of complaint involving county attorney. (1) (a) A person alleging a violation of this part by a state officer, legislator, or state employee may file a complaint with the commissioner of political practices <u>if the person has standing to file the complaint</u>. The commissioner does not have jurisdiction for a complaint concerning a legislator if a legislative act is involved in the complaint. The commissioner also has jurisdiction over complaints against a county attorney that are referred by a local government review panel pursuant to 2-2-144 or filed by a person directly with the commissioner pursuant to 2-2-144(6). The commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation of this part.

(b) The commissioner may dismiss a complaint <u>when the person who filed the complaint has failed to demonstrate standing or may dismiss a complaint</u> that is frivolous, does not state a potential violation of this part, or does not contain sufficient allegations to enable the commissioner to determine whether the complaint states a potential violation of this part. If the issues presented in a complaint have been addressed and decided in a prior decision and the commissioner determines that no additional factual development is necessary, the commissioner may issue a summary decision without holding an informal contested case hearing on the complaint.

(c) Except as provided in subsection (1)(b), if the commissioner determines that the complaint states a potential violation of this part, the commissioner shall hold an informal contested case hearing on the complaint as provided in Title 2, chapter 4, part 6. The commissioner shall issue a decision based upon the record established before the commissioner.

<u>(d) A person has standing to allege a violation when the person:</u>

<u>(i) alleges a past, present, or threatened injury to a property right or a civil right; and</u>

<u>(ii) alleges an injury that is distinguishable from an injury to the public generally, although the injury does not need to be exclusive to the person alleging the injury.</u>

(2) (a) Except as provided in subsection (2)(b), if the commissioner determines that a violation of this part has occurred, the commissioner may impose an administrative penalty of not less than $50 or more than $1,000.

(b) If the commissioner determines that a violation of 2-2-121(4)(b) has occurred, the commissioner may impose an administrative penalty of not less than $500 or more than

$10,000.

(c) If the violation was committed by a state employee, the commissioner may also recommend that the employing state agency discipline the employee. The employing entity of a state employee may take disciplinary action against an employee for a violation of this part, regardless of whether the commissioner makes a recommendation for discipline. The commissioner may assess the costs of the proceeding against the person bringing the charges if the commissioner determines that a violation did not occur or against the officer or employee if the commissioner determines that a violation did occur.

(3) A party may seek judicial review of the commissioner's decision, as provided in chapter 4, part 7, of this title, after a hearing, a dismissal, or a summary decision issued pursuant to subsection (1)(b).

(4) Except for records made public in the course of a hearing held under subsection (1) and records that are open for public inspection pursuant to Montana law, a complaint and records obtained or prepared by the commissioner in connection with an investigation or complaint are confidential documents and are not open for public inspection. The complainant and the person who is the subject of the complaint shall maintain the confidentiality of the complaint and any related documents released to the parties by the commissioner until the commissioner issues a decision. However, the person who is the subject of a complaint may waive, in writing, the right of confidentiality provided in this subsection. If a waiver is filed with the commissioner, the complaint and any related documents must be open for public inspection. The commissioner's decision issued after a hearing is a public record open to inspection.

(5) When a complaint is filed, the commissioner may issue statements or respond to inquiries to confirm that a complaint has been filed, to identify against whom it has been filed, and to describe the procedural aspects and status of the case.

(6) The commissioner may adopt rules to carry out the responsibilities and duties assigned by this part.""

Renumber: subsequent sections

3. Page 3, line 26 through line 28.

Strike: subsection (1) in its entirety

Insert: "(1) A corporation may not make a contribution to a candidate or candidate’s campaign and may not make a contribution to a political committee, including but not limited to a political party committee, unless the political committee segregates the contribution in an account that is separate from those accounts used to make direct contributions to candidates and candidates' campaign committees and the contribution is used as an independent expenditure.

(2) A candidate or candidate's committee may not accept or receive a corporate contribution described in subsection (1)."

Renumber: subsequent subsections

4. Page 10, line 11.

Following: "record"

Strike: remainder of line 11 through "campaign" on line 12

5. Page 10, line 14.
Following: "record"
Strike: "or" through "campaign" on line 15

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 407, introduced by Thomas, Brenden, referred to Public Health, Welfare and Safety.
SB 408, introduced by Olson, Sonju, Tutvedt, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 15, introduced by McClafferty (by request of the Department of Commerce, the Office of Budget and Program Planning), referred to Finance and Claims.
HB 218, introduced by Ankney, Olson, Rosendale, Shaw, referred to Finance and Claims.
HB 574, introduced by Edmunds, Schwaderer, MacDonald, referred to Agriculture, Livestock and Irrigation.
HB 579, introduced by Hagan, Ankney, Blasdel, Buttrey, Edmunds, Fitzpatrick, Hansen, Hollenbaugh, Knudsen, Larsen, Mehlhoff, O'Hara, Olson, Pierson, Price, Vance, Wagoner, Wanzenried, Welborn, Zolnikov, referred to Business, Labor, and Economic Affairs.
HB 588, introduced by Harris, referred to Fish and Game.
HB 609, introduced by Connell, referred to Fish and Game.

MOTIONS

SB 240 - Senator Ripley moved **SB 240** be re-referred to the Finance and Claims committee. Without objection, so ordered.

SB 369 - Senator Ripley moved **SB 369** be re-referred to the Finance and Claims committee. Without objection, so ordered.

HB 12 - Senator Ripley moved **HB 12** be re-referred to the Finance and Claims committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senators Larsen and Buttrey asked the Senate to acknowledge the ongoing sacrifices of Sergeant Bowe Bergdahl, a soldier from Hailey, Idaho, whose grandparents live in Kalispell. Sergeant Bergdahl has been a captive of a Taliban-aligned network since June 2009.

Negotiations for his release have been unsuccessful. Today is Sergeant Bergdahl's 27th birthday, his fourth spent in captivity. Senators Larsen and Buttrey asked the Senate to remember Sergeant Bergdahl during this holiday week.

Senator Wittich moved the Senate consent to the House request that the Legislature adjourn for four days over the Easter holiday. Without objection, so ordered.

Senator Taylor thanked the pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:30 p.m., Tuesday, April 2, 2013, the sixty-eighth legislative day. Motion carried.

Senate adjourned at 11:47 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 2, 2013 — State Capitol

Senate convened at 1:29 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Senator Wittich announced Republicans would caucus; Senator Sesso announced the Democrats would caucus. Senate recessed at 1:33 p.m..

Senate reconvened at 1:59 p.m. All members present.

BILLS AND JOURNALS (Buttrey, Chair): 4/2/2013

Correctly printed: **SB 355**, **SB 386**, **SB 394**, **SB 396**, **SB 397**, **SB 401**, **SB 407**, **SB 408**, **SR 43**, **SR 44**, **SR 45**, **SR 46**, **SR 47**, **SR 48**, **HB 30**, **HB 46**, **HB 66**, **HB 78**, **HB 84**, **HB 95**, **HB 122**, **HB 124**, **HB 145**, **HB 182**, **HB 313**, **HB 320**, **HB 392**, **HB 410**, **HB 446**, **HB 448**, **HB 461**, **HB 465**, **HB 498**, **HB 533**, **HB 546**, **HB 552**, **HB 564**, **HJR 14**.
Correctly engrossed: **SB 282**, **SB 374**, **SB 387**, **SB 395**, **SB 398**, **SB 400**, **SR 24**, **HB 61**, **HB 100**, **HB 171**, **HB 239**, **HB 240**, **HB 259**, **HB 286**, **HB 287**, **HB 301**, **HB 310**, **HB 547**, **HB 554**, **HB 566**.
Correctly enrolled: **SB 19**, **SB 136**, **SB 239**.
Transmitted to the House: **HB 106**, **HB 127**, **HB 170**, **HB 189**, **HB 217**, **HB 256**, **HB 297**, **HB 359**, **HB 388**, **HB 451**, **HB 502**, **HB 508**, **HB 513**, **HJR 9**.
Signed by the President at 10:00 a.m., April 2, 2013: **SB 176**, **SB 314**, **SB 319**, **SB 327**, **SB 332**.

REPORTS OF STANDING COMMITTEES

ADVERSE COMMITTEE REPORTS:

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 3/27/13
SB 393, do **not** pass. Adverse Committee Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried,

Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 395, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Following: "INDIVIDUALS" on line 5
Strike: "AND" on line 5 through "MONTANA" on line 6

2. Title, page 1, line 7 through line 11.
Strike: "REQUIRING" on line 7 through "ACCOUNT;" on line 11
Strike: "37-8-202, 37-8-204," on line 11

3. Title, page 1, line 12.
Following: "53-6-132,"
Insert: "AND"
Strike: "AND 53-6-155,"
Strike: "EFFECTIVE DATES AND"

4. Page 1, line 16 through page 11, line 27.
Strike: sections 1 through 15 in their entirety
Renumber: subsequent sections

5. Page 15, line 21 through page 18, line 15.
Strike: sections 19 through 23 in their entirety
Renumber: subsequent sections

6. Page 18, line 17.
Strike: "[Sections" through "terminate"
Insert: "[Section 1(1)(h)] terminates"

7. Page 18, line 21 through line 22.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

8. Page 18, line 26 through line 27.
Strike: "(1)" on line 26
Following: "[section"
Strike: "24"

Insert: "4"
Strike: "[sections 1" on line 26 through "terminate" on line 27
Insert: "[section 1(1)(h)] terminates"

9. Page 18, line 28.
Strike: subsection (2) in its entirety

And, as amended, do **not** pass. Adverse Committee Report **not** adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Nays: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

STATE ADMINISTRATION (Arthun, Chair): 3/27/2013
SR 24, do **not** pass. Adverse Committee Report adopted.

The Standing Committee Report on **SR 24** was read on the sixty-seventh day but was not segregated as an adverse report. The report is read again this date to comply with Senate rules related to adverse committee reports.

SB 395 - Senator Sesso stated Senate rules provide that **SB 395** be heard on second reading this date following the failure of the adverse committee report to pass. Senator Sesso asked for a recess to allow that process to occur.

President Essmann stated the Senate would stand at ease while the rules committee discussed the question . Senate reconvened at 2:19 p.m..

President Essmann stated that **SB 395** would be placed at the bottom of the second reading board this date.

MESSAGES FROM THE GOVERNOR

March 28, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Thursday, March 28, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 40 -Buttrey
Senate Bill 77 -Brenden
Senate Bill 145 -F. Moore
Senate Bill 146 -Buttrey
Senate Bill 225 -Arntzen
Senate Bill 235 -Buttrey
Senate Bill 266 -Rosendale

I am returning **SB 44** -Keane with amendments.

I have vetoed the following bills:

House Bill 27 -Washburn
House Bill 302 -Kerns
Senate Bill 41 -Buttrey

Sincerely,

STEVE BULLOCK
Governor

March 28, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 44** (SB 44), "AN ACT ELIMINATING THE AIR POLLUTION CONTROL ADVISORY COUNCIL AND ITS FUNCTIONS; ELIMINATING A PROVISION RELATED TO PUBLIC HEARINGS ON RULES; AMENDING SECTIONS 75-2-103 AND 75-2-402, MCA; REPEALING SECTIONS 2-15-2106, 75-2-121, 75-2-122, 75-2-123, AND 75-2-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 44 repeals §75-2-205. In addition, section 2 of SB 44 deletes from §75-2-402 a cross-reference to §75-2-205 and makes grammatical and style changes to §75-2-205. Grammatical and style changes are often made to bills to clean up antiquated language, and are not intended to make substantive changes in the law. However, one of the style changes in SB 44 is substantive and dramatically alters the operation of 75-2-402(1). It replaces the introductory phrase "Any other law to the contrary notwithstanding" with "Except as otherwise provided in statute." Under existing language, the Department of Environmental Quality is required to take immediate abatement action in a general air quality emergency. Under the new language, the Department could be delayed in taking abatement action in order to comply with procedural requirements in other statutes.

In the event of an air quality emergency, human health or safety is at risk and immediate action by the Department of Environmental Quality is required. The unintended consequence of the above amendment is to limit the ability of the Department to take such immediate action. This is unacceptable.

In addition, this error threatens the ability of Montanans to maintain control over the regulation of air quality within the state's borders. Under federal law the state must have an approved Emergency Episode Avoidance Plan (Emergency Plan). The current section 75-2-402(1) is contained in the Emergency Plan, and the amendment of 75-2-402(I), MCA, would require the Department of Environmental Quality to revise its Emergency Plan and seek EPA approval for that revision. Given that this erroneous amendment to 75-2-402(1), MCA, could limit the ability of the Department to take immediate action to protect human health or safety during an air quality emergency, EPA would be unlikely to approve the revised Emergency Plan. This would lead to dual state/EPA regulation that would be administratively burdensome to the regulated community, especially during emergency situations.

My amendment would restore the original language in 75-2-402(1), protect public health and safety, and preserve the state's leadership role in administration of the Clean Air Act of Montana in emergency situations.

I have discussed my proposed amendment with the sponsor of the bill, Senator Keane, who has expressed his support. I urge your concurrence in this amendment.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 44** (reference copy -- salmon) are as follows:

1. Page 5, line 2 through line 3.
Strike: "Except" on line 2 through "statute" on line 3
Insert: "Any other law to the contrary notwithstanding"

March 28, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 41** (SB 41), "AN ACT PROHIBITING A GOVERNING BODY FROM CONSIDERING THE IMPACTS OF POTENTIAL FUTURE SUBDIVISIONS WHEN REVIEWING SUBDIVISION APPLICATIONS; AMENDING SECTION 76-3-608, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

Local officials are best suited to decide if impacts to future developments in their communities should be considered when they evaluate a proposed project. SB 41 takes that ability away from local governments, by prohibiting them from considering the cumulative impacts of expected growth when reviewing a subdivision application.

This bill also prevents a local government from requiring mitigation when acting on a subdivision application, if the mitigation relates to expected future subdivisions. As such, it may actually force

communities to deny subdivisions rather than approve them. This will surely lead to more litigation, not less.

The best decisions are based on complete information, and SB 41 severely limits the information local governments need to make good decisions concerning the communities we live in. Further, the bill is not clear as to what kinds of information can or cannot be considered in determining appropriate mitigation to minimize the impacts of a proposed subdivision. For example, consideration of transportation, infrastructure, capital improvement or other kinds of responsible growth planning could be prohibited, as could planning related to future growth as identified in a growth policy, zoning, or other long-range plan. This lack of clarity will also result in litigation.

I respectfully ask you to sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

March 29, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol Helena, MT 59620

Dear President Essmann:

On Friday, March 29, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 2 -Facey
Senate Bill 34 -Caferro
Senate Bill 49 -Ripley
Senate Bill 61 -Ripley
Senate Bill 62 -Ripley
Senate Bill 71 -Tropila
Senate Bill 86 -F. Moore
Senate Bill 93 -Vuckovich
Senate Bill 142 -Wanzenried
Senate Bill 291 -Arntzen
Senate Bill 356 -Arntzen

I am returning **SB 23** -Rosendale with amendments.

I have vetoed the following bill:

Senate Bill 12 -Lewis

Sincerely,

STEVE BULLOCK
Governor

March 29, 2012

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 23** (SB 23), "AN ACT REVISING COUNTY INTERIM ZONING REQUIREMENTS AND PROCEDURES; REQUIRING A COUNTY TO INITIATE A STUDY OR INVESTIGATION TO VERIFY THE EXISTENCE OF AN EMERGENCY; LIMITING A RESOLUTION FOR AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO 182 DAYS FROM THE DATE IT BECOMES EFFECTIVE; ELIMINATING THE SPECIFICATION OF EXIGENT CIRCUMSTANCES; REQUIRING CERTAIN PROCEDURES FOR THE EXTENSION OF A RESOLUTION FOR AN INTERIM ZONING DISTRICT OR INTERIM REGULATION; AND AMENDING SECTION 76-2-206, MCA."

When there is an emergency involving public health, safety or welfare, the public wants their local officials to act decisively to address the problem. Interim zoning is often utilized by locally elected public officials to protect the public, including the protection of private property rights when those rights are threatened by unexpected land use proposals.

At the same time, the public expects that local officials will act in a transparent and thoughtful manner, considering and balancing the legitimate interests of all concerned.

While Senate Bill 23 imposes reasonable limitations on the ability of counties to utilize interim zoning, the bill unnecessarily restricts this authority by reducing the timeframe for an interim zoning district to remain in effect, and by requiring a supermajority vote by the local governing body to extend the duration of an interim zoning ordinance.

I propose amendments to SB 23 to accomplish three things.

First, to give the public assurance that the interim zoning action is the most appropriate temporary measure to address the problem and that county officials are taking permanent steps to address the underlying emergency. SB 23 requires that a county initiate a study or investigation within 30 working days to verify a significant threat exists, but contains very little guidance. My amendments require the county, as part of the study or investigation, to identify the potential options available for alleviating the emergency and identify a proposed course of action to address it.

Second, to provide county officials with adequate time to study the problem, hear from those concerned in a public process, and begin a course of action to permanently correct or alleviate the emergency. SB 23 requires the county government to complete this work in six months (182 days), which is inadequate. My amendments extend this period for action to one (1) year.

Finally, to make sure locally elected officials maintain the power to act in a manner they believe is necessary to serve the best interests of their communities. SB 23 requires that any extension of the interim zoning be approved by a supermajority of the county commission. It is unreasonable to require a supermajority to extend the protections for public health, safety and welfare when the original action was based upon a simple majority. My amendments remove the supermajority requirement.

Senate Bill 23, with my amendments, will provide for the valid and reasonable use of interim zoning by counties, while ensuring accountability, promoting sound decision making, and giving deference to the goals of the community.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 23** (reference copy -- salmon) are as follows:

1. Title, page 1, line 6 through line 7.
Strike: "LIMITING" on line 6 through "EFFECTIVE;"

2. Page 1, line 17.
Strike: "poses a threat to"
Insert: "involves"
Strike: "and"
Following: "~~general~~"
Insert: "or general "

3. Page 1, line 21.
Following: "emergency"

Insert: ", the potential options for mitigating the emergency, and the course of action that the governing body intends to take, if any, during the term of the interim zoning district or interim regulation to mitigate the emergency"

4. Page 1, line 28.
Strike: "182 days"
Insert: "1 year"

5. Page 3, line 2.
Strike: "The"
Insert: "After the hearing provided for in subsection (4), the"

6. Page 3, line 3 through line 9.
Strike: "by:" on line 3 through "commissioners" on line 9

March 29, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 12** (SB I2), "AN ACT PROVIDING THAT EXPENDITURES FOR PROVIDING STATE EMPLOYEE GROUP BENEFITS ARE SUBJECT TO BIENNIAL LEGISLATIVE APPROPRIATION; AMENDING SECTION 2-18-812, MCA; AND PROVIDING AN EFFECTIVE DATE."

SB 12 purports to provide the Legislature additional oversight of the State Employee Group Benefit Plan. The Legislature already has oversight of the budget of every state division, including the Health Care and Benefits Division. This bill would not provide greater transparency or efficiency, rather it would simply limit the health care decisions a state employee could make.

The State Employee Group Benefit Plan is already subject to oversight by the Legislative Branch, both through the biennial appropriations process and through an advisory council, established by 2-15-1016, MCA, which includes legislative representation. Moreover, the Plan is subject to

oversight by the Legislative Auditor, and claim audits are presented to the Legislative Audit Committee.

Funding for the State Employee Group Benefit Plan comes from both the state and contributions made by employees, retirees, judges and legislators. Any changes to the state share must be passed by the Legislature. SB 12 would subject the contributions from policy holders to the appropriations process -- a dangerous precedent where the Legislature would manage the funds an employee used to purchase an optional insurance policy.

Through the State Employee Group Benefit Plan public servants, retirees, judges and legislators enjoy quality, affordable health care in Montana. And we manage this plan in an efficient and transparent manner.

For these reasons, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

April 1, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Monday, April 1, 2013, the following bills were returned to the Secretary of State without signature:

SB 3 -Essmann
SB 252 -Rosendale

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 3/28/2013

SB 19, introduced by Hamlett
SB 136, introduced by Larsen
SB 239, introduced by Buttrey

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/28/2013

SB 346, introduced by Vincent

House bills passed and transmitted to the Senate for concurrence: 3/28/2013

HB 4, introduced by Ankney
HB 5, introduced by Ankney
HB 13, introduced by Swanson
HB 39, introduced by McChesney
HB 86, introduced by O'Hara
HB 354, introduced by Connell
HB 377, introduced by Woods
HB 378, introduced by McClafferty
HB 404, introduced by Flynn
HB 420, introduced by Salomon
HB 454, introduced by McChesney
HB 472, introduced by G. Bennett
HB 509, introduced by Regier
HB 559, introduced by Bangerter
HB 565, introduced by McCarthy
HB 575, introduced by Berry
HB 580, introduced by Connell
HB 582, introduced by Hertz
HB 586, introduced by Cuffe
HB 599, introduced by Blyton
HB 604, introduced by C. Smith
HB 607, introduced by Lavin
HB 617, introduced by Flynn
HB 625, introduced by Ankney
HB 627, introduced by Osmundson
HB 630, introduced by Williams
HB 633, introduced by Ehli

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/2/2013
HB 48, be concurred in. Report adopted.
HB 61, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "TO THE DEFINITION OF "ADDICTION""

2. Page 1, line 16.
Strike: "or gambling"

3. Page 1, line 20.
Following: "addiction"
Insert: "and gambling dependence impulse control disorder"

And, as amended, be concurred in. Report adopted.

HB 281, be concurred in. Report adopted.
HB 310, be amended as follows:

1. Title, page 1, line 7 through line 9.
Strike: "PROVIDING" on line 7 through "LIFE" on line 9
Insert: "PROHIBITING CLAIMS AND DAMAGES BASED ON THE BIRTH OF A CHILD"

2. Page 1, line 13.
Strike: "**Civil**" through "**life**"
Insert: "**Claims and damages based on birth of child**"

3. Page 1, line 13 through line 15.
Strike: "A person" on line 13 through "born." on line 15
Insert: "A cause of action or award of damages is prohibited if the cause of action or award of damages is based on the claim that, but for the conduct of a health care provider, a parent would not have permitted the parent's child to have been born."

4. Page 1, line 16 through line 18.
Strike: "A person" on line 16 through "born." on line 18
Insert: "For the purposes of this section, the term "health care provider" means a health care facility as defined in 50-5-101 or a physician, physician assistant, registered nurse, advanced practice registered nurse, or direct-entry midwife licensed under Title 37."

And, as amended, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 409, introduced by Larsen, Blewett, Jent, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 4, introduced by Ankney (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 5, introduced by Ankney (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 13, introduced by Swanson (by request of the Department of Administration and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 39, introduced by McChesney (by request of the Office of Public Instruction), referred to Education and Cultural Resources.
HB 86, introduced by O'Hara (by request of the Office of Public Instruction), referred to Finance and Claims.
HB 354, introduced by Connell, referred to Finance and Claims.
HB 377, introduced by Woods (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 378, introduced by McClafferty, B. Bennett, Calf Boss Ribs, Coffin, Curtis, Facey, Hollenbaugh, Lynch, MacDonald, Noonan, Pierson, Price, Schreiner, Vuckovich, Wilmer (by request of the Governor), referred to Finance and Claims.
HB 404, introduced by Flynn, Harris, Jacobson, Redfield, C. Smith, Peterson, referred to Fish and Game.
HB 420, introduced by Salomon, Ankney, Blyton, Hertz, L. Jones, Keane, McClafferty, Murphy, Windy Boy, Williams, referred to Finance and Claims.
HB 454, introduced by McChesney (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 472, introduced by G. Bennett, Ballance, Blasdel, Brodehl, Clark, Ehli, Fitzpatrick, Flynn, Galt, Greef, Hansen, Harris, L. Jones, Kerns, Knudsen, Laszloffy, Miller, Randall, Regier, Schwaderer, C. Smith, Vance, Wagoner, Washburn, White, referred to Taxation.
HB 509, introduced by Regier, referred to Energy and Telecommunications.
HB 559, introduced by Bangerter (by request of the Department of Justice), referred to Highways and Transportation.
HB 565, introduced by McCarthy, referred to Finance and Claims.
HB 575, introduced by Berry, G. Bennett, referred to Energy and Telecommunications.
HB 580, introduced by Connell, Hamlett, referred to Fish and Game.
HB 582, introduced by Hertz, referred to Business, Labor, and Economic Affairs.
HB 586, introduced by Cuffe (by request of the House Joint Appropriations Subcommittee on Natural Resources and Transportation), referred to Finance and Claims.
HB 599, introduced by Blyton, Ankney, Hagan, Howard, Redfield, Schwaderer, Welborn, referred to Finance and Claims.
HB 604, introduced by C. Smith, referred to Public Health, Welfare and Safety.

HB 607, introduced by Lavin, referred to Highways and Transportation.
HB 617, introduced by Flynn, referred to Natural Resources.
HB 625, introduced by Ankney, referred to Finance and Claims.
HB 627, introduced by Osmundson (by request of the House Joint Appropriations Subcommittee on General Government), referred to Finance and Claims.
HB 630, introduced by Williams, referred to Agriculture, Livestock and Irrigation.
HB 633, introduced by Ehli, Blasdel, Buttrey, Caferro, Hollenbaugh, Keane, Noonan, Olson, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator F. Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 117 - Senator Facey moved **HB 117** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Boulanger, Sales, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 488 - Senator Jackson moved **HB 488** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Boulanger, Fielder, Priest, Ripley, Sales, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 - Senator Thomas moved **SB 280** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 49

Nays: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 566 - Senator Keane moved **HB 566** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 287 - Senator Brenden moved **HB 287** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sales, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 384 - Senator Facey moved **SB 384** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair F. Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila,

Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 84 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 465 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 37

Nays: Arntzen, Barrett Debby, Moore, Priest, Ripley, Sales, Sonju, Tropila, Vincent, Walker, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 386 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 46

Nays: Ripley, Sales, Webb, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 124 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 41

Nays: Arntzen, Boulanger, Malek, Priest, Sonju, Vincent, Walker, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 66 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Boulanger, Hamlett, Ripley, Sales, Sonju, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 120, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 43

Nays: Barrett Debby, Blewett, D. Brown, Sales, Tropila, Van Dyk, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 11, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 18, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 122, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 299 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/2/2013
HB 100, be amended as follows:

1. Page 1, line 25 through line 26.
Strike: "an" on line 25 through "enhanced" on line 26
Insert: "a fixed-fee"
Following: "payment" on line 26
Insert: "not to exceed $300 per month"
Strike: "identified" on line 26
Insert: "benchmark"
Following: "outcomes" on line 26
Insert: "identified by the pay-for-performance task force"

2. Page 1, line 28.
Following: "analyze"
Insert: "existing performance data from existing providers and"

3. Page 2, line 4.
Following: "the"
Insert: "fixed-fee"

4. Page 2, line 5.
Strike: "access to care;"
Insert: "cost control; and
(ii) achieving quality benchmarks."

5. Page 2, line 6 through line 13.
Strike: subsections (ii) through (iv) and subsection (4) in their entirety

6. Page 2, line 21.
Following: "rule;"
Strike: "and"

7. Page 2, line 25.
Strike: "."
Insert: "; and
(c) provide the task force with a plan that identifies:
(i) the types of data that may be relevant to the development of the pay-for-performance model;
(ii) the types of data that must be collected to evaluate the effectiveness of the pay-for-performance model; and
(iii) benchmarks by which the pilot project may measure patient outcomes to determine project effectiveness."

8. Page 3, line 5.
Strike: "17"
Insert: "nine"

9. Page 3, line 6.
Strike: "13"
Insert: "three"

10. Page 3, line 7 through line 8.
Strike: "two" on line 7 through "party" on line 8
Insert: "three legislative members appointed by the senate committee on committees, with no more than two members representing the same political party"

11. Page 3, line 9 through line 10.
Strike: "two" on line 9 through "party" on line 10
Insert: "three legislative members appointed by the speaker of the house, with no more than two members representing the same political party"

12. Page 3, line 12.
Strike: "five providers"
Insert: "one provider"
Strike: ", including one representative of each"
Insert: "representing one"

13. Page 3, line 13.
Following: "services;"
Insert: "and"

14. Page 3, line 14 through line 17.
Strike: subsections (b) through (d) in their entirety
Renumber: subsequent subsections

15. Page 3, line 18.
Strike: "four"
Insert: "two representatives of the"
Strike: "employees as follows:"
Insert: "."

16. Page 3, line 19 through line 22.
Strike: subsections (i) through (iv) in their entirety

17. Page 4, line 9.
Following: "system"
Insert: "that allows a fixed-fee payment not to exceed $300 per month to providers who demonstrate that the children they serve attain benchmark outcomes. The system is"

18. Page 5, line 12.
Strike: ";"
Insert: ". The task force shall, as part of the short-term and long-term work plans, submit a

proposed uniform data reporting system that is based on the recommendations and considerations identified in [section 2(2)(c)] and [section 4(3)]."

19. Page 5, line 16.
Following: "project"
Insert: "and recommendations on any modifications needed before the pay-for-performance model is expanded to include additional children, providers, or services "

And, as amended, be concurred in. Report adopted.

HB 171, be amended as follows:

1. Title, page 1, line 13.
Following: "ABUSE;"
Strike: "AND"

2. Title, page 1, line 14.
Following: "SERVICES"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 4, line 21.
Following: line 20
Insert: "NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2013."

And, as amended, be concurred in. Report adopted.

HB 239, be amended as follows:

1. Page 2, line 1.
Strike: "each"
Insert: "that"

And, as amended, be concurred in. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the coming week:

Jake Diemert, Chinook, sponsored by Senator Jergeson
Jacob MacLean, Chinook, sponsored by Senator Jergeson
Mark Nelson, Hamilton, sponsored by Senator Boulanger
Alice Robertson, from Missoula, sponsored by Senator Facey
Kourtney Schott, from Broadview, sponsored by Senator Tutvedt

Jessica Sheldahl, from Helena, sponsored by Senator Murphy

MOTIONS

Senator Priest moved that **SB 385** be taken from Taxation and brought before the Committee of the Whole tomorrow, April 3, 2013, legislative day sixty-nine. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, D. Brown, Fielder, Jackson, Moore, Murphy, Olson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Windy Boy.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jent moved **SB 406** be moved from the Judiciary committee to the State Administration committee. Motion passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 23 - Senator Arthun moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 23**. Motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 29 - Senator Peterson moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 29**. Motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 32 - Senator Peterson moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 32**. Motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 35 - Senator Sonju moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 35**. Motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 48

Nays: Brenden, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 36 - Senator Sonju moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 36**. Motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 37 - Senator Sonju moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 37**. Motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 38 - Senator Sonju moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 38**. Motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 39 - Senator Sonju moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 39**. Motion passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate recessed at 3:06 p.m. awaiting final preparation of **SB 395** and amendments for second reading.

Senate reconvened at 3:25 p.m. All members present.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator F. Moore in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 395 - Senator Olson moved consideration of **SB 395** be passed for the day. The motion **failed** as follows:

Yeas: Arthun, T. Brown, Buttrey, Olson, Peterson, Sonju, Tutvedt.
Total 7

Nays: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 395 - Senator Wanzenried moved **SB 395** do pass.

SB 395 - Senator Wanzenried moved **SB 395**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Following: "~~MONTANA~~"
Insert: "AND TO IMPROVE THE DELIVERY OF HEALTH CARE SERVICES IN MONTANA"

2. Title, page 1, line 11.
Following: "~~ACCOUNT;~~"
Insert: "REQUIRING A REVIEW OF THE MONTANA MEDICAID PROGRAM AND THE HEALTH CARE DELIVERY SYSTEM; ESTABLISHING A MEDICAID WELLNESS PILOT PROJECT; ESTABLISHING WORKFORCE REPORTING REQUIREMENTS FOR CERTAIN HEALTH CARE PROFESSIONALS; PROVIDING FOR USE OF UNEXPENDED MEDICAID FUNDS; PROVIDING DEFINITIONS; CREATING A SPECIAL REVENUE ACCOUNT;"
Following: "~~37-8-204,~~"
Insert: "37-8-202, 37-8-204,"

3. Title, page 1, line 12.
Following: "53-6-132,"
Strike: "AND"
Following: "~~53-6-155,~~"
Insert: "AND 53-6-155,"
Following: "~~DATES AND~~"
Insert: "EFFECTIVE DATES AND"

4. Page 1, line 17 through page 18, line 30.
Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Montana Health Care Reform and Cost Containment Act"."

Insert: "NEW SECTION. **Section 2. Legislative findings and intent.** (1) The intent of [sections 1 through 5] is to modify and enhance Montana's health care delivery system to provide access to quality and affordable health care for all Montana citizens.

(2) The legislature finds that to achieve the purposes of [sections 1 through 5], it will be necessary for state government, health care providers, patient advocates, and other parties interested in quality and affordable health care to collaborate in order to:

(a) increase the number of Montanans with health insurance coverage;

(b) provide greater value for the tax dollars spent on the medicaid program by exploring options for delivering services in a more efficient and cost-effective manner, including but not limited to:

(i) offering incentives to encourage health care providers to achieve measurable performance outcomes;

(ii) improving the coordination of care among health care providers and health care payers;

(iii) reducing preventable hospital readmissions; and

(iv) exploring medicaid payment methodologies that promote quality of care and efficiencies;

(c) contain growth in health care costs by:

(i) curbing wasteful spending;

(ii) avoiding unnecessary use of health care services;

(iii) reducing the instances in which health care practitioners provide health care services in order to avoid the risk of litigation; and

(iv) reducing fraud;

(d) ensure that there is an adequate number of health care professionals throughout the state;

(e) provide incentives that result in Montanans taking greater responsibility for their personal health;

(f) boost Montana's economy by reducing the costs of uncompensated care; and

(g) reduce or minimize the shifting of payment for unreimbursed health care costs to patients with private insurance.

(3) The legislature further finds that state policymakers have an interest in testing the effectiveness of wellness incentives in order to collect and analyze information about the correlation between wellness incentives and health status. It is the intent of the legislature to establish a pilot project in the medicaid program to evaluate whether incentives to improve a recipient's management of chronic disease improves overall health outcomes and reduces the long-term costs of health care for the recipient."

Insert: "NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 5], the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Recipient" means a person:

(a) who has been determined by a medicaid agency to be eligible for medicaid benefits, whether or not the person has received any benefits; or

(b) who receives medicaid benefits, whether or not the person is determined to be eligible."

Insert: "NEW SECTION. **Section 4. Review of medicaid and health care delivery systems -- advisory committee -- reports.** (1) The department shall review state activities related to the medicaid program and delivery of health care services in Montana in order to make recommendations to the legislature on ways to make the medicaid program and the health care delivery system more efficient and cost-effective.

(2) The department shall establish an advisory committee made up of health care providers, health care consumers, and other parties interested in the way in which health care services are provided to Montanans. The committee may consist of up to 12 members.

(3) The advisory committee shall:

(a) review the way in which the implementation of the expansion of the medicaid program is being carried out;

(b) evaluate the manner in which health care services are delivered and whether new approaches could improve delivery of care, including but not limited to the use of medical homes and coordinated care organizations;

(c) review ideas for reducing or minimizing the shifting of the payment of unreimbursed health care costs to patients with private insurance;

(d) evaluate whether providing incentives to health care providers for meeting measurable benchmarks may improve the delivery of health care services;

(e) review options for reducing inappropriate use of emergency department services, including ways to monitor for the excessive or inappropriate use of prescription drugs;

(f) examine ways to:

(i) promote the appropriate use of health care services, particularly laboratory and diagnostic imaging services;

(ii) increase the availability of mental health services;

(iii) reduce fraud and waste in the medicaid program; and

(iv) improve the sharing of data among health care providers in order to identify patterns in the usage of health care services across payment sources; and

(g) receive regular reports from the department on the department's efforts to pursue contracting options for administration of services to individuals eligible for medicaid as allowed under Public Law 111-148 and Public Law 111-152.

(4) The department shall:

(a) coordinate its efforts with any legislative committees that are working on matters related to health care and the delivery of health care services; and

(b) summarize and present the findings and recommendations of the advisory committee in a final report to the governor and to the children, families, health, and human services interim committee no later than August 15 of each even-numbered year."

Insert: "NEW SECTION. **Section 5. Medicaid wellness pilot project.** (1) Subject to any necessary approval from the centers for medicare and medicaid, the department shall administer a pilot project designed to assess whether providing incentives for a recipient's participation in disease management and wellness activities improves the recipient's management of chronic disease.

(2) The department shall offer an incentive to adult recipients for meeting established targets for managing chronic disease. Subject to subsection (4), the department shall establish

by rule the individuals to be covered by the pilot project, the chronic diseases to be included in the pilot project, the criteria that must be met to receive the incentive, and the duration and amount of the incentive to be offered.

(3) The department may undertake the pilot project in up to five counties, at least one of which must have a significant Indian population. The pilot project must begin with 60 days of receipt of federal approval, if required.

(4) The department may not require participation by recipients who reside in a long-term care facility as defined in 50-5-101 or a community residential facility as defined in 76-2-411.

(5) The department shall collect and analyze information related to the pilot project to determine if the project resulted in better health outcomes for participants. The analysis may include but is not limited to the incentives provided, the health conditions of the participants, the number of participants who met established goals, and to the extent possible, whether participants who met the goals used fewer medicaid services than:

(a) participants who did not meet the goals; and

(b) recipients with similar medical conditions in counties that were not included in the pilot project."

Insert: "NEW SECTION. **Section 6. Short title.** [Sections 6 through 8] may be cited as the "Montana Health Care Workforce Data Collection Act"."

Insert: "NEW SECTION. **Section 7. Collecting and reporting of data -- requirement for licensure -- confidentiality.** (1) The board shall collect information related to the physician and physician assistant workforce in Montana in order to evaluate whether Montanans have access to health care services based on the location where licensees are practicing, the medical specialties of the licensees, and the amount of time that licensees devote to patient care.

(2) At the time an individual applies to obtain or renew a license under Title 37, chapter 20, or this chapter, the board shall collect through electronic means information that includes at a minimum:

(a) the applicant's gender and date of birth;

(b) the applicant's employment and practice status, including but not limited to:

(i) active practices in Montana and other locations;

(ii) the area of practice, including areas of specialty;

(iii) the office, hospital, or clinical setting in which the applicant practices;

(c) the applicant's education, training, and specialty and subspecialty board certification;

(d) the locations where the applicant practices and the average number of hours the applicant works each week providing patient care at each location;

(e) the average number of weeks the applicant worked during the past full year in the licensed profession;

(f) the percentage of time the applicant spends engaged in direct patient care and in other activities, including but not limited to teaching, research, and administration in the licensed profession; and

(g) other data as proposed to and approved by the board.

(3) The board may not approve an application for a license or a renewal of a license for an applicant who fails to provide information as required under this section.

(4) The board shall report the information collected under this section to:

(a) the department of public health and human services provided for in 2-15-2201; and

(b) Montana professional associations representing physicians and physician assistants.

(5) (a) Except as provided in subsection (5)(b), the board may not release personally identifiable data collected under this section for any person licensed by the board.

(b) The provisions of subsection (5)(a) do not apply to the release of information to a state agency or a Montana medical professional association for state program, workforce, or health planning purposes."

Insert: "NEW SECTION. **Section 8. Health care workforce database -- sharing and use of data.** (1) Subject to available funding, the department of public health and human services may create and maintain a database of health care workforce information collected by the board. The board shall provide the department of public health and human services with information collected pursuant to [sections 6 through 8] for the database.

(2) The department of public health and human services may contract or enter into other agreements with a private or public entity to:

(a) establish and maintain the database;

(b) analyze data contained in the database;

(c) develop reports to be used by the legislature, the governor, and the public related to health care workforce needs; and

(d) perform other activities to carry out the purposes of [sections 6 through 8].

(3) The department of public health and human services may seek federal and private funds to create and maintain the database."

Insert: "NEW SECTION. **Section 9. Benefit plan for medicaid expansion population -- copayments and deductibles -- options for administration.** (1) In providing medical services to individuals eligible for the Montana medicaid program pursuant to 53-6-131(1)(h), the department shall:

(a) use as the benchmark plan allowed for under 42 U.S.C. 1936u-7(b)(1)(D) the essential health benefit that is selected by:

(i) the legislature; or

(ii) the secretary of the U.S. department of health and human services pursuant to 42 U.S.C. 18022 and related federal regulations;

(b) establish cost-sharing requirements for recipients as allowed by federal law and regulations;

(c) pursue options for contracting with a private vendor to provide or pay for medical services, including but not limited to:

(i) use of a third-party administrator to operate the program;

(ii) use of a capitated payment model instead of a fee-for-service payment model for some health care providers or services, including a predetermined bundled payment for specific health conditions or time periods;

(iii) use of medicaid funds to purchase a qualified health plan as defined in 42 U.S.C. 18021(a); and

(iv) offering incentives that would allow individuals to obtain insurance coverage through the health exchange.

(2) The department shall apply to the centers for medicare and medicaid services for any waivers necessary to contract for services or to use medicaid funds as provided in subsection (1)(c).

(3) The department shall report the following information to the children, families, health, and human services interim committee no later than August 15 of each year:

(a) the number of individuals who were determined eligible for medicaid pursuant to 53-6-131(1)(h);

(b) the average cost of medical services provided to those individuals;

(c) the average length of time the individuals remained eligible for medical assistance under this section;

(d) the total cost of providing services under this section, including related administrative costs; and

(e) the status of efforts that the department has undertaken pursuant to subsection (1)(c) to contract for providing or paying for medical services."

Insert: "NEW SECTION. **Section 10. Education and outreach on insurance coverage options.** (1) The department shall undertake activities to increase public awareness of and knowledge about the options for obtaining health insurance coverage, including but not limited to the expansion of the medicaid program, the availability of tax credits for purchasing insurance, and the ways in which the health exchange may be used to review and decide on insurance options.

(2) The department shall report on the activities planned and undertaken as part of the outreach and education effort at:

(a) each meeting of the advisory committee provided for in [section 4]; and

(b) at least twice a year to the children, families, health, and human services interim committee."

Insert: "NEW SECTION. **Section 11. Management of medicaid program.** In order to ensure that medical assistance under this part is provided in an efficient and effective manner, the department shall strengthen existing programs that manage the way in which recipients obtain approval for medical services and shall establish additional programs designed to reduce costs and improve medical outcomes for recipients. The efforts may include but are not limited to:

(1) establishing by rule requirements that are designed to strengthen the relationship between physicians and recipients who are enrolled in existing primary care case management programs;

(2) requiring recipients enrolled in a primary care case management program to see the physician responsible for their care before receiving services other than emergency care;

(3) strengthening data-sharing arrangements with providers in order to reduce inappropriate use of emergency room services and overuse of other services;

(4) creating a patient-centered medical home model for recipients in which providers receive an enhanced reimbursement for closely monitoring and managing a recipient's medical condition;

(5) expanding to additional recipients any existing programs in which case managers and providers work with recipients with high-risk medical conditions to provide preventive care and advice and to make referrals for medical services;

(6) requiring a recipient to enroll in a program offering pain management services if the recipient is identified as using narcotic prescription drugs at a substantially higher level than indicated by medical need;

(7) reviewing current care management programs to evaluate and improve their

effectiveness;

(8) providing incentives as allowed by federal law and regulation to recipients who are identified by their health care providers as complying with established preventive care and wellness standards that may reduce the overall costs of health care provided to recipients; and

(9) submitting to the children, families, health, and human services interim committee any proposals developed under this section for review and recommendation by the committee before implementation of the proposal."

Insert: "NEW SECTION. **Section 12. Deposit of unexpended medicaid funds.** The department shall deposit into the medicaid expansion mitigation account provided for in [section 13] any general fund appropriated for medicaid services that is unexpended 12 months after the close of the fiscal year for which it was appropriated."

Insert: "NEW SECTION. **Section 13. Medicaid expansion mitigation account -- report.** (1) There is an account in the state special revenue fund for the deposit of:

(a) any general fund appropriated for medicaid services that is unexpended 12 months after the close of the fiscal year for which it was appropriated; and

(b) money transferred from the general fund and the state special revenue fund that is the equivalent of the:

(i) reduction in state expenditures for health care services that occurs because the Montana medicaid program is expanded to provide coverage to individuals eligible pursuant to Public Law 111-148 and Public Law 111-152; and

(ii) amount of general fund replaced by receipt of the enhanced federal medical assistance percentage provided pursuant to 42 U.S.C. 1397ee(b) for the children's health insurance program.

(2) The department may accept contributions, gifts, and grants for deposit into the account and for use as provided in subsection (3).

(3) Money in the account must be used to pay the state share of expenditures for medical services for recipients who are eligible for medicaid pursuant to Public Law 111-148 and Public Law 111-152. Money may not be spent from the account before January 1, 2017.

(4) The department shall identify the reductions in expenditures that occurred in the following programs because the medicaid program was expanded to individuals eligible pursuant to Public Law 111-148 and Public Law 111-152:

(a) the Montana comprehensive health association plan provided for in Title 33, chapter 22, part 15;

(b) the small business health insurance purchasing pool provided for in Title 33, chapter 22, part 20;

(c) services offered under the state medicaid program provided for in this part to:

(i) pregnant women;

(ii) individuals with breast or cervical cancer;

(iii) individuals undergoing chemical dependency and substance abuse treatment; and

(iv) any other individual who:

(A) is not enrolled in medicaid because the individual is able to obtain insurance through the health exchange; or

(B) is eligible for medicaid and no longer obtaining services from a program paid for with general fund money;

(d) the mental health services program provided for in 53-21-702;

(e) health care services for individuals who have been ordered by a court of competent jurisdiction into a correctional facility or program as described in 53-1-202 when the health care services are provided outside of a correctional facility and paid for by the medicaid program rather than the general fund; and

(f) other sources as identified by the department.

(5) No later than January 1 of each odd-numbered year, the department shall report to the legislature on:

(a) the reductions identified pursuant to subsection (4); and

(b) the amount of federal funds the state received that are attributable to the enhanced federal medical assistance percentage provided pursuant to 42 U.S.C. 1397ee(b) for the children's health insurance program."

Insert: "Section 14. Section 37-8-202, MCA, is amended to read:

"37-8-202. Organization -- meetings -- powers and duties. (1) The board shall:

(a) meet annually and elect from among the members a president and a secretary;

(b) hold other meetings when necessary to transact its business;

(c) prescribe standards for schools preparing persons for registration and licensure under this chapter;

(d) provide for surveys of schools at times the board considers necessary;

(e) approve programs that meet the requirements of this chapter and of the board;

(f) conduct hearings on charges that may call for discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved list;

(g) cause the prosecution of persons violating this chapter. The board may incur necessary expenses for prosecutions.

(h) adopt rules regarding authorization for prescriptive authority of advanced practice registered nurses. If considered appropriate for an advanced practice registered nurse who applies to the board for authorization, prescriptive authority must be granted.

(i) adopt rules to define criteria for the recognition of registered nurses who are certified through a nationally recognized professional nursing organization as registered nurse first assistants; ~~and~~

(j) establish a medical assistance program to assist licensed nurses who are found to be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness. The program must provide for assistance to licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward rehabilitation. The board shall ensure that a licensee who is required or volunteers to participate in the medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified treatment program outside the state unless the board finds that there is no qualified treatment program in this state. For purposes of funding this medical assistance program, the board shall adjust the renewal fee to be commensurate with the cost of the program.

(k) pursuant to rules adopted by the board, periodically collect workforce data for the purposes of creating a statewide strategy for promoting efforts to develop a nursing workforce that will best meet the health care needs of Montanans. Except as otherwise provided by law, the data collected may not be disclosed in a manner that reveals individually identifiable

information.

(2) The board may:

(a) participate in and pay fees to a national organization of state boards of nursing to ensure interstate endorsement of licenses;

(b) define the educational requirements and other qualifications applicable to recognition of advanced practice registered nurses. Advanced practice registered nurses are nurses who must have additional professional education beyond the basic nursing degree required of a registered nurse. Additional education must be obtained in courses offered in a university setting or the equivalent. The applicant must be certified or in the process of being certified by a certifying body for advanced practice registered nurses. Advanced practice registered nurses include nurse practitioners, nurse-midwives, nurse anesthetists, and clinical nurse specialists.

(c) establish qualifications for licensure of medication aides, including but not limited to educational requirements. The board may define levels of licensure of medication aides consistent with educational qualifications, responsibilities, and the level of acuity of the medication aides' patients. The board may limit the type of drugs that are allowed to be administered and the method of administration.

(d) adopt rules for delegation of nursing tasks by licensed nurses to unlicensed persons;

(e) adopt rules necessary to administer this chapter; and

(f) fund additional staff, hired by the department, to administer the provisions of this chapter."

{Internal References to 37-8-202:

20-5-420x	27-1-1101x	33-22-111x	33-30-1013x
33-31-102x	37-2-101x	37-2-401x	37-8-102x
46-1-202x	49-4-301x	49-4-303x	49-4-305x
50-9-102x	50-10-101x	50-15-101x	50-16-201x
53-21-102x	53-21-102x }"		

Insert: "Section 15. Section 37-8-204, MCA, is amended to read:

"37-8-204. Executive director. (1) The department shall hire an executive director to provide services to the board in connection with the board's duties of:

(a) prescribing curricula and standards for nursing schools and making surveys of and approving schools and courses;

(b) evaluating and approving courses for affiliation of student nurses; ~~and~~

(c) reviewing qualifications of applicants for licensure; and

(d) collecting workforce data.

(2) The department shall hire as the executive director an individual who:

(a) is a graduate of an approved school of nursing and who has at least a master's degree with postgraduate courses in nursing;

(b) is licensed as a registered professional nurse in Montana; and

(c) has experience in teaching or administration in an approved school of nursing and who has completed at least 3 years in the clinical practice of nursing."

{Internal References to 37-8-204: None.}"

Insert: "Section 16. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical assistance under the Montana

medicaid program may be granted to a person who is determined by the department of public health and human services, in its discretion, to be eligible as follows:

(a) The person receives or is considered to be receiving supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or resources in excess of the applicable medical assistance limits.

(b) The person would be eligible for assistance under the program described in subsection (1)(a) if that person were to apply for that assistance.

(c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, the person would be receiving assistance under the program in subsection (1)(a).

(d) The person is under 21 years of age and in foster care under the supervision of the state or was in foster care under the supervision of the state and has been adopted as a child with special needs.

(e) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(d) and:

(i) the person's income does not exceed the income level specified for federally aided categories of assistance and the person's resources are within the resource standards of the federal supplemental security income program; or

(ii) the person, while having income greater than the medically needy income level specified for federally aided categories of assistance:

(A) has an adjusted income level, after incurring medical expenses, that does not exceed the medically needy income level specified for federally aided categories of assistance or, alternatively, has paid in cash to the department the amount by which the person's income exceeds the medically needy income level specified for federally aided categories of assistance; and

(B) (I) in the case of a person who meets the nonfinancial criteria for medical assistance because the person is aged, blind, or disabled, has resources that do not exceed the resource standards of the federal supplemental security income program; or

(II) in the case of a person who meets the nonfinancial criteria for medical assistance because the person is pregnant, is an infant or child, or is the caretaker of an infant or child, has resources that do not exceed the resource standards adopted by the department.

(f) The person is a qualified pregnant woman or a child as defined in 42 U.S.C. 1396d(n).

(g) The person is under 19 years of age and lives with a family having a combined income that does not exceed 185% of the federal poverty level. The department may establish lower income levels to the extent necessary to maximize federal matching funds provided for in 53-4-1104.

<u>(h) The person meets the eligibility requirements of 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) as enacted by Public Law 111-148, Public Law 111-152, and federal regulations implementing those laws.</u>

(2) The department may establish income and resource limitations. Limitations of income and resources must be within the amounts permitted by federal law for the medicaid program. Any otherwise applicable eligibility resource test prescribed by the department does not apply to enrollees in the healthy Montana kids plan provided for in 53-4-1104.

(3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary for medicaid-eligible persons participating in the medicare program and may, within the discretion of the department, pay all or a portion of the medicare premiums, deductibles,

and coinsurance for a qualified medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2) of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

(a) has income that does not exceed income standards as may be required by the Social Security Act; and

(b) has resources that do not exceed standards that the department determines reasonable for purposes of the program.

(4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

(5) In accordance with waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department of public health and human services may grant eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving section 1931 medicaid benefits, as defined in 53-4-602, as the specified caretaker relative of a dependent child under the section 1931 medicaid program. A recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage, as provided in 53-6-101.

(6) The department, under the Montana medicaid program, may provide, if a waiver is not available from the federal government, medicaid and other assistance mandated by Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to categories of persons that may be designated by the act for receipt of assistance.

(7) Notwithstanding any other provision of this chapter, medical assistance must be provided to infants and pregnant women whose family income does not exceed income standards adopted by the department that comply with the requirements of 42 U.S.C. 1396a(l)(2)(A)(i) and whose family resources do not exceed standards that the department determines reasonable for purposes of the program.

(8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit corporation that uses donated funds to provide basic preventive and primary health care medical benefits to children whose families are ineligible for the Montana medicaid program and who are ineligible for any other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

(9) A person described in subsection (7) must be provided continuous eligibility for medical assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

(10) Full medical assistance under the Montana medicaid program may be granted to an individual during the period in which the individual requires treatment of breast or cervical cancer, or both, or of a precancerous condition of the breast or cervix, if the individual:

(a) has been screened for breast and cervical cancer under the Montana breast and cervical health program funded by the centers for disease control and prevention program established under Title XV of the Public Health Service Act, 42 U.S.C. 300k, or in accordance with federal requirements;

(b) needs treatment for breast or cervical cancer, or both, or a precancerous condition of the breast or cervix;

(c) is not otherwise covered under creditable coverage, as provided by federal law or regulation;

(d) is not eligible for medical assistance under any mandatory categorically needy eligibility group; and

(e) has not attained 65 years of age.

(11) Subject to the limitation in 53-6-195, the department shall provide medicaid coverage to workers with disabilities as provided in 53-6-195 and in accordance with 42 U.S.C. 1396a(a)(10)(A)(ii)(XIII) and (r)(2) and 42 U.S.C. 1396o.

(12) The department shall establish medicaid eligibility consistent with the modified adjusted gross income criteria allowed by federal regulations."

{Internal References to 53-6-131:
53-2-215x 53-2-215x 53-2-215x 53-4-1110x
53-4-1115x 53-6-101x 53-6-113x 72-6-121x }"

Insert: "Section 17. Section 53-6-132, MCA, is amended to read:

"53-6-132. Application for assistance ~~-- exception~~. (1) ~~Subject to subsection (2), application for assistance under this part may be made in any local office of public assistance.~~ The department shall adopt medicaid eligibility procedures and criteria that are consistent with federal requirements.

(2) ~~The~~ An application for medical assistance under this part must be presented in the manner and on the form prescribed by the department.

(3) All individuals wishing to apply must have the opportunity to do so.

~~(2) Notwithstanding the provisions of subsection (1), the department may designate an entity other than the local office of public assistance to determine eligibility for medicaid managed care services.~~

(4) The department may participate with federal and state programs and agencies in the coordination of procedures and criteria for eligibility determination, including use of interactive electronic networks and databases and other appropriate measures."

{Internal References to 53-6-132: None.}"

Insert: "Section 18. Section 53-6-133, MCA, is amended to read:

"53-6-133. Eligibility determination. (1) The ~~local office of public assistance shall promptly determine the~~ eligibility of each applicant under this part must be determined in accordance with the rules of the department. Each applicant must be informed of the right to ~~a fair hearing~~ appeal a determination and of the confidential nature of the information given. ~~The department, through the local office of public assistance, shall, after the hearing, determine whether or not~~ If the applicant is eligible for assistance under this part, ~~and~~ aid must be furnished promptly ~~to eligible persons~~. Each applicant must receive written notice of the decision concerning the applicant's application~~,~~ and the right of appeal ~~is secured to the applicant under the procedures of 53-2-606~~.

(2) The local office of public assistance and the department may accept the federal social security administration's determination of eligibility for supplemental security income, Title XVI of the Social Security Act, as qualifying the eligible individuals to receive medical assistance under this part."

{Internal References to 53-6-133: None.}"

Insert: "Section 19. Section 53-6-155, MCA, is amended to read:

"53-6-155. Definitions. As used in this part, unless expressly provided otherwise, the following definitions apply:

(1) "Abuse" means conduct by an applicant, recipient, provider, or other person

involving disregard of and an unreasonable failure to conform with the statutes, regulations, and rules governing the medical assistance program when the disregard or failure results or may result in an incorrect determination that a person is eligible for medical assistance or payment by a medicaid agency of medical assistance payments to which the provider is not entitled.

(2) "Applicant" means a person:

(a) who has submitted an application for determination of medicaid eligibility to a medicaid agency on the person's own behalf or on behalf of another person; or

(b) on whose behalf an application has been submitted.

(3) "Benefit" means the provision of anything of pecuniary value to or on behalf of a recipient under the medicaid program.

(4) "Claim" means a communication, whether in oral, written, electronic, magnetic, or other form, that is used to claim specific services or items as payable or reimbursable under the medicaid program or that states income, expense, or other information that is or may be used to determine entitlement to or the rate of payment under the medicaid program. The term includes any documents submitted as part of or in support of the claim.

(5) "Department" means the department of public health and human services provided for in 2-15-2201.

(6) "Document" means any application, claim, form, report, record, writing, or correspondence, whether in written, electronic, magnetic, or other form.

(7) "Fraud" means any conduct or activity prohibited by statute, regulation, or rule involving purposeful or knowing conduct or omission to perform a duty that results in or may result in medicaid payments or benefits to which the applicant, recipient, or provider is not entitled. Fraud includes but is not limited to any conduct or omission under the medicaid program that would constitute a criminal offense under Title 45, chapter 6 or 7.

(8) "Health exchange" means the American health benefit exchange provided for in Public Law 111-148 and Public Law 111-152.

~~(8)~~(9) "Medicaid" means the Montana medical assistance program established under Title 53, chapter 6.

~~(9)~~(10) "Medicaid agency" means any agency or entity of state, county, or local government that administers any part of the medicaid program, whether under direct statutory authority or under contract with an authorized agency of the state or federal government. The term includes but is not limited to the department, the department of corrections, local offices of public assistance, and other local and state agencies and their agents, contractors, and employees, when acting with respect to medicaid eligibility, claims processing or payment, utilization review, case management, provider certification, investigation, or other administration of the medicaid program.

~~(10)~~(11) "Misappropriation of patient property" means exploitation, deliberate misplacement, or wrongful use or taking of a patient's property, whether temporary or permanent, without authorization by the patient or the patient's designated representative. Misappropriation of patient property includes but is not limited to any conduct with respect to a patient's property that would constitute a criminal offense under Title 45, chapter 6, part 3.

~~(11)~~(12) "Patient abuse" means the willful infliction of physical or mental injury of a patient or unreasonable confinement, intimidation, or punishment that results in pain, physical or mental harm, or mental anguish of a patient. Patient abuse includes but is not limited to any conduct with respect to a patient that would constitute a criminal offense under Title 45, chapter 5.

~~(12)~~(13) "Patient neglect" means a failure, through inattentiveness, carelessness, or other omission, to provide to a patient goods and services necessary to avoid physical harm, mental anguish, or mental illness when an omission is not caused by factors beyond the person's control or by good faith errors in judgment. Patient neglect includes but is not limited to any conduct with respect to a patient that would constitute a criminal offense under 45-5-208.

~~(13)~~(14) "Provider" means an individual, company, partnership, corporation, institution, facility, or other entity or business association that has enrolled or applied to enroll as a provider of services or items under the medical assistance program established under this part.

~~(14)~~(15) "Recipient" means a person:

(a) who has been determined by a medicaid agency to be eligible for medicaid benefits, whether or not the person actually has received any benefits; or

(b) who actually receives medicaid benefits, whether or not determined eligible.

~~(15)~~(16) (a) "Records" means medical, professional, business, or financial information and documents, whether in written, electronic, magnetic, microfilm, or other form:

(i) pertaining to the provision of treatment, care, services, or items to a recipient;

(ii) pertaining to the income and expenses of the provider; or

(iii) otherwise relating to or pertaining to a determination of eligibility for or entitlement to payment or reimbursement under the medicaid program.

(b) The term includes all records and documents, regardless of whether the records are required by medicaid laws, regulations, rules, or policies to be made and maintained by the provider."

{Internal References to 53-6-155:
45-2-101x 53-6-111x }"

Insert: "NEW SECTION. **Section 20. Codification instruction.** (1) [Sections 1 through 5] are intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50, chapter 4, part 1, apply to [sections 1 through 5].

(2) [Sections 6 through 8] are intended to be codified as an integral part of Title 37, chapter 3, and the provisions of Title 37, chapter 3, apply to [sections 6 through 8].

(3) [Sections 9 through 13] are intended to be codified as an integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [sections 9 through 13]."

Insert: "COORDINATION SECTION. **Section 21. Coordination instruction.** If both House Bill No. 2 and [this act] are passed and approved and if House Bill No. 2 contains any appropriations designated as medicaid expansion savings, then the appropriations in House Bill No. 2 that are designated as medicaid expansion savings must be transferred to the special revenue account provided for in [section 13 of this act]."

Insert: "NEW SECTION. **Section 22. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 23. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2013.

(2) [Sections 1 through 13, 20 through 22, 24, and 25] and this section are effective July 1, 2013."

Insert: "NEW SECTION. **Section 24. Contingent termination.** (1) [Sections 9, 12,

and 16(1)(h)] terminate on the date that the federal medical assistance percentage for medical services provided to individuals eligible for medicaid pursuant to 53-6-131(1)(h) is set below the level provided for in 42 U.S.C. 1396d(y) on [the effective date of this act].

(2) [Section 13] terminates 15 months after the contingency provided for in subsection (1) of this section occurs.

(3) The director of the department of public health and human services shall certify to the governor the occurrence of the contingency. The governor shall transmit a copy of the certification to the code commissioner."

Insert: "NEW SECTION. **Section 25. Termination.** (1) Except as provided in [section 24], [sections 1 through 4, 9 through 13, 16(1)(h), and 19] terminate June 30, 2017.

(2) [Section 5] terminates June 30, 2019."

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Arntzen, Boulanger, Brenden, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 395 - Senator Wanzenried moved **SB 395**, as amended, do pass. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair F. Moore moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Jackson, Moore, Rosendale, Sales, Sonju, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Ripley moved **SB 395** be re-referred to the Finance and Claims committee. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, April 3, 2013, the sixty-ninth legislative day. Motion carried.

Senate adjourned at 5:31 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 3, 2013 — State Capitol

Senate convened at 1:06 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Members of the Legislative Spouses organization thanked Senator Keane for providing a tour of Butte and lunch for the group.

Senator Larsen introduced Shane Clouse, one of several headliners for a Singers for Soldiers fundraiser, who sang "Montana Matters" for the Senate. Mr. Clouse is a Montana businessman, farmer and rancher, and brother-in-law of Senator Taylor Brown.

BILLS AND JOURNALS (Buttrey, Chair): 4/3/2013

Correctly printed: **SB 280**, **SB 384**, **SB 409**, **HB 48**, **HB 117**, **HB 281**, **HB 488**.
Correctly engrossed: **SB 392**, **SB 395**, **SB 407**, **SR 47**, **HB 450**, **HB 464**, **HB 473**, **HB 544**.
Correctly enrolled: **SB 11**, **SB 18**, **SB 120**, **SB 122**, **SR 23**, **SR 29**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**.
Examined by the sponsor and found to be correct: **SB 11**, **SB 18**, **SB 19**, **SB 120**, **SB 122**, **SB 136**, **SB 239**, **SR 23**, **SR 29**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**.
Transmitted to the House: **SB 355**, **SB 386**, **HB 66**, **HB 84**, **HB 124**, **HB 299**, **HB 465**.
Signed by the Secretary of the Senate at 8:45 a.m., April 3, 2013: **SB 45**, **SB 48**, **SB 116**, **SB 125**, **SB 165**, **SB 185**, **SB 194**, **SB 224**, **SB 259**, **SB 316**, **SR 5**, **SR 6**, **SR 11**, **SR 17**, **SR 25**, **SR 27**.
Signed by the President at 11:39 a.m., April 3, 2013: **SB 45**, **SB 48**, **SB 116**, **SB 125**, **SB 165**, **SB 185**, **SB 194**, **SB 224**, **SB 259**, **SB 316**, **SR 5**, **SR 6**, **SR 11**, **SR 17**, **SR 25**, **SR 27**.
Signed by the Speaker at 4:35 p.m., April 2, 2013: **SB 176**, **SB 314**, **SB 319**, **SB 327**, **SB 332**.
Delivered to the Governor at 9:46 a.m., April 3, 2013: **SB 176**, **SB 314**, **SB 319**, **SB 327**, **SB 332**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 4/2/2013
HB 344, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/3/2013
SJR 24, do pass. Report adopted.
HB 464, be amended as follows:

1. Title, page 1, line 5.
Following: "WAGES;"
Insert: "CLARIFYING THE CEILING FOR WAGE RATES AND FRINGE BENEFIT RATES;"

2. Title, page 1, line 8.
Following: "SERVICES"
Insert: ","
Strike: "AND"
Following: "HIGHWAY CONSTRUCTION"
Insert: "SERVICES, AND BUILDING CONSTRUCTION"

3. Title, page 1, line 11.
Following: "SECTIONS"
Insert: "18-2-402,"

4. Page 1.
Following: line 15
Insert: "Section 1. Section 18-2-402, MCA, is amended to read:

"18-2-402. Standard prevailing rate of wages. (1) The commissioner may determine the standard prevailing rate of wages, including fringe benefits, applicable to public works contracts under this part. The commissioner shall keep and maintain copies of collective bargaining agreements and other information on which the rates are based.

(2) The provisions of this part do not apply in those instances in which the standard prevailing rate of wages is determined by federal law.

(3) Whenever this part is applicable, the standard prevailing rate of wages, including fringe benefits, is the ~~may be equal to but not~~ greater ~~than~~ of the highest applicable rate of wages in the area for the particular work in question as negotiated under existing and current collective bargaining agreements or the rate determined by the applicable survey under this part.""
Renumber: subsequent sections

5. Page 1, line 19.
Strike: "heavy construction and"

6. Page 2, line 16.
Following: "plus"
Insert: "zone pay, per diem, and"

7. Page 2, line 23.
Following: "(b)"
Insert: "(i)"

8. Page 2, line 25.
Following: "wage."
Insert: "(ii)"

9. Page 2, line 26.
Strike: "that wage"
Insert: "then the higher of the collective bargaining agreement rate or the surveyed rate"

10. Page 4, line 1.
Strike: "(a)"

11. Page 4, line 3.
Strike: "(i)"
Insert: "(a)"

12. Page 4, line 6.
Strike: "or"

13. Page 4, line 7.
Strike: "(ii)"
Insert: "(b)"

14. Page 4, line 8.
Following: "Montana"
Insert: "; or
(c) use, as provided by rule, a combination of surveyed rates, as provided in subsection (2)(a), and rates adopted by reference, as provided in subsection (2)(b)"

15. Page 4, lines 9 through 11.
Strike: subsection (b) in its entirety

16. Page 4, line 13.
Following: "zone pay"
Insert: ", per diem,"

17. Page 4, line 14.
Following: "allowances"
Insert: ", if applicable,"

18. Page 4, lines 22 through 28.
Strike: "**-- zone pay or per diem**" on line 22
Strike: subsections (1) and (2) in their entirety
Insert: "(1) The contracting agency shall determine, based on the preponderance of labor hours to be worked, whether the public works construction services project is classified as a highway construction project, a heavy construction project, or a building construction project.
(2) Once the project has been classified, employees in each trade classification who are working on that project must be paid at the rate for that project classification."

19. Page 4.
Following: line 29
Insert: "NEW SECTION. **Section 6. Zone pay and per diem.** If there is not sufficient data reported to establish zone pay or per diem for a trade classification, the department may establish a zone pay or a per diem amount that reasonably approximates an applicable average zone pay or per diem rate that is payable for the trade classification."
Renumber: subsequent section

20. Page 4, line 30.
Strike: "[Section 4] is"
Insert: "[Sections 4 and 5] are"

21. Page 5, line 1.
Strike: "[section 4]"
Insert: "[sections 4 and 5]"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 4/3/2013
SB 392, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: the first "PROVIDING" on line 6 through "PENALTIES;" on line 7

2. Page 1, line 12 through line 29.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 3, line 20.
Strike: "or [section 1], or both"

4. Page 3, line 22 through line 23.
Strike: section 3 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 355, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/2/2013
SB 407, introduced bill, be amended as follows:

1. Page 1, line 19.
Strike: "it"
Insert: "liability"

Strike: "that"
Insert: "and"
Strike: "a third"
Insert: "another"

2. Page 1, line 26.
Strike: "it"
Insert: "liability"
Strike: "that"
Insert: "and"

3. Page 1, line 27.
Strike: "a third"
Insert: "another"

And, as amended, do pass. Report adopted.

SB 408, do pass. Report adopted.
HB 450, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 2, line 7.
Following: "(a)"
Insert: "to the extent of the policy's medical pay coverage limits, under"

3. Page 2, line 8.
Following: "(b)"
Insert: "to the extent of the policy's medical pay coverage limits, under"

4. Page 2, line 10.
Following: "(c)"
Insert: "to the extent of the policy's medical pay coverage limits, under"

5. Page 2, line 12.
Following: "(d)"
Insert: "under"

6. Page 2, line 14.
Following: line 13
Insert: "(2) An insurer making payment on a claim under a disability insurance policy, member contract, health benefit plan, group health plan, blanket disability insurance policy as defined in 33-22-601, or other medical coverage shall credit toward satisfaction of the insured's deductible, copayment, or coinsurance, if any, any payment made by a casualty

or property insurer, but only if the payment to be credited is applied to a covered medical expense under the terms of the applicable health policy."
Renumber: subsequent subsections

7. Page 2, line 15.
Following: "POLICY"
Insert: "or in accordance with any written agreement or contract existing between the provider and the insurer or a person contractually engaged by the insurer to perform services or an insurance function for the insurer. Nothing in this section prohibits a payer on a first-party or third-party claim from negotiating or denying the amount of the billed charges or making a reasonable request for additional information or documents in order to evaluate the claim"

8. Page 2, line 22.
Following: line 21
Insert: "(2) [Section 1] is intended to be codified as an integral part of Title 2, chapter 18, part 9, and the provisions of Title 2, chapter 18, part 9, apply to [section 1]."
Renumber: subsequent subsections

9. Page 3, line 12 through line 14.
Strike: section 5 in its entirety

And, as amended, be concurred in. Report adopted.

HB 473, be amended as follows:

1. Title, page 1, line 7.
Strike: "POTENTIAL"
Insert: "KNOWN"

2. Page 2, line 28 through page 3, line 2.
Strike: "All" on page 2, line 28 through "lien." on page 3, line 2
Insert: "Payment for services rendered or products provided that are covered by a lien under this section fully satisfies the lien and any attorney lien under 37-61-420, and the payer and provider paid are released, to the extent of the amount paid, from all liability arising from the lien or attorney lien."

3. Page 3, line 30.
Following: "received the notice of lien"
Insert: "or amended lien"
Following: "receiving the notice of lien"
Insert: "or amended lien"
Strike: "potentially"
Insert: "known"

4. Page 4, line 1.

Strike: "lien's existence"
Insert: "lien or amended lien"
Strike: "potentially"
Insert: "known"

5. Page 4, line 2.
Following: "lien"
Insert: "or amended lien"

And, as amended, be concurred in. Report adopted.

HB 544, be amended as follows:

1. Page 1, line 30.
Following: line 29
Insert: "(c) For the purposes of this subsection (4), a provider network is adequate if:

(i) the network includes at least 80% of the licensed individual physicians actively practicing in the state of Montana;

(ii) the network includes at least 80% of the licensed individual nonphysician health care providers actively practicing in the state of Montana; and

(iii) the network includes at least 90% of those facilities licensed and operating as hospitals in the state of Montana."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 4/3/2013
SB 405, do pass. Report adopted.

MOTIONS

Senator Lewis moved that **SR 47** be taken from Education and Cultural Resources and brought before the Committee of the Whole on Thursday, April 4, 2013, the seventieth legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Driscoll, Fielder, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Facey, Hamlett, Jackson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Tutvedt, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Phillips moved that **SB 295** be taken from Taxation and brought before the Committee of the Whole on Thursday, April 4, 2013, the seventieth legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Dee Brown moved that **SB 406** be taken from State Administration and brought before the Committee of the Whole on Thursday, April 4, 2013, the seventieth legislative day. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 20

Nays: Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 49, introduced by Priest (by request of the Senate Public Health, Welfare, and Safety Standing Committee), referred to Public Health, Welfare and Safety.
SR 50, introduced by Priest (by request of the Senate Public Health, Welfare, and Safety Standing Committee), referred to Public Health, Welfare and Safety.
SR 51, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.
SR 52, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.
SR 53, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.
SR 54, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.

The following Senate resolutions were introduced, read first time, and referred to committees:

SJR 26, introduced by Arntzen, Arthun, Brenden, D. Brown, Buttrey, Hamlett, L. Jones, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Webb, referred to Highways and Transportation.
SJR 27, introduced by Tutvedt, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sonju in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 395 - Senator T. Brown moved **HB 395** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 400 - Senator Arntzen moved **SB 400** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 34

Nays: Barrett Debby, Boulanger, D. Brown, T. Brown, Jackson, Keane, Lewis, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 240 - Senator F. Moore moved **HB 240** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 374 - Senator Lewis moved **SB 374** do pass.

SB 374 - Senator Olson moved **SB 374**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 15.
Strike: "PROVIDING" on line 6 through "MCA;" on line 15
Insert: "PROVIDING GUIDELINES FOR THE AUTHORIZATION AND PURPOSES FOR THE ESTABLISHMENT OF A PUBLIC CHARTER SCHOOL; PROVIDING EXPECTATIONS FOR THE OPERATION OF A PUBLIC CHARTER SCHOOL; ALLOWING FOR THE TERMINATION OF A CHARTER SCHOOL;"

2. Page 1, line 20 through page 42, line 23.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Public Charter Schools Act"."
Insert: "NEW SECTION. **Section 2. Legislative intent -- charter school defined.** (1) [Sections 1 through 5] are intended to provide an alternative means within the public school system for ensuring the necessary outcomes of education by offering opportunities for school district trustees, in collaboration with communities and school district staff, to establish and maintain charter schools that are under the supervision and control of the elected school boards pursuant to Article X, section 8, of the Montana constitution, subject to general supervision of the board of public education pursuant to Article X, section 9(3), of the Montana constitution, and that operate within a school district structure but independently from other schools of the district.

(2) As used in [sections 1 through 5], “charter school” means a separate and distinct public school that is established and governed by a board of trustees of a public school district as defined in 20-6-101 for one or more of the purposes set forth in [section 3] and that exclusively serves children who are residents of the district or children attending outside their resident district pursuant to 20-5-321.

(3) Except as otherwise approved by a variance to standards by the board of public education, each charter school must be subject to accreditation requirements of the board of public education and must be accredited to maintain its charter.

(4) A charter school may be maintained in a separate facility or in an existing school facility if the charter school is operated independently from the other school in the shared facility.

(5) Each charter school shall offer a general curriculum appropriate to the grades offered at the charter school but may include one or more special programs as part of its curriculum. A charter school may be organized around a special emphasis, theme, or concept or may utilize innovative educational methods or practices.

(6) A charter school offering distance learning opportunities as all or part of its curriculum shall do so exclusively using the Montana digital academy established in 20-7-1201 and shall comply with the rules regarding the calculation of average number belonging set forth in 20-9-311(11)(g).

(7) The opening of a charter school established pursuant to [sections 1 through 5] is exempt from the limitations on opening or reopening a school under 20-6-502 and 20-6-503."
Insert: "NEW SECTION. **Section 3. Authorization to establish -- purposes.** (1) A charter school may be established and governed by the board of trustees within a school district, either as a new school or as a conversion of an existing school, upon any of the following actions:

(a) in a first-class elementary district, as defined in 20-6-201, or in any high school district with which a first-class elementary district is affiliated by unification or joint board status, at least 10% of the electors qualified under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a majority of the board of trustees votes for the creation of a charter school;

(b) in a second-class elementary district, as defined in 20-6-201, or in any high school district with which a second-class elementary district is affiliated by unification or joint board status, at least 20% of the electors qualified under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a majority of the board of trustees votes for the creation of a charter school; or

(c) in a third-class elementary district, as defined in 20-6-201, or in any high school district with which a third-class elementary district is affiliated by unification or joint board status, at least 30% of the electors qualified under the provisions of 20-20-301 sign a petition calling for the creation of a charter school and a majority of the board of trustees votes for the creation of a charter school.

(2) In the case of a conversion of an existing school or creation of a new charter school, the board shall negotiate salary, benefits, and working conditions with affected labor groups.

(3) The board of trustees of any school district defined in 20-6-101 may establish a charter school as a means of providing new opportunities for:

(a) improved pupil learning;

(b) increased learning opportunities for pupils in special areas of emphasis in accordance with themes established for charter schools; or

(c) creative and unconventional instructional techniques and structures.

(4) A school district establishing a charter school under this section may apply to the board of public education for variances to any standards set forth in board of public education rules, excluding standards pertaining to teacher licensure or endorsement. The procedure for applying for variances to standards of the board of public education must be set forth in board of public education rules, and the determination regarding whether to waive any standards must be in the sole discretion of the board of public education."

Insert: "NEW SECTION. **Section 4. Expectations.** (1) A charter school shall provide an education that meets or exceeds the requirements of the Montana constitution, state law, and school accreditation standards except as specifically otherwise approved through a variance to standards by the board of public education.

(2) To be established pursuant to a vote of the board of trustees or the qualified electors, a charter school shall, at a minimum, guarantee the following:

(a) elected school board governance, supervision, and control over the charter school and its operations;

(b) unrestricted, open student access for all children who are residents of the district or children subject to attendance with mandatory approval pursuant to 20-5-321;

(c) compliance with all health and safety laws;

(d) teacher licensure and endorsement to the same extent as required or provided by state law or accreditation standards;

(e) employee collective bargaining to the same extent as required or provided by state law; and

(f) a plan for soliciting input on vital formation and implementation issues from community members and school district staff through the formation of advisory committees, the

conduct of properly noticed public meetings for purposes of hearing comment, or any other reasonable means that result in an opportunity for input by staff and community members prior to a decision of significant interest on establishing a charter school."
Insert: "NEW SECTION. **Section 5. Termination.** A school district may discontinue an approved charter school upon completion of any school fiscal year. If the district decides to discontinue a charter school, it shall promptly notify the board of public education in writing."
Insert: "NEW SECTION. **Section 6. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."
Insert: "NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 through 5], except where explicitly stated in [sections 1 through 5]."
Insert: "NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2013."

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 26

Nays: Arntzen, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 374 - Senator Lewis moved **SB 374**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 34

Nays: Augare, Blewett, Caferro, Driscoll, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Wanzenried.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 143 - Senator Brenden moved consideration of **SB 143** be passed for the day. Without objection, so ordered.

SB 396 - Senator Brenden moved consideration of **SB 396** be passed for the day. Without objection, so ordered.

HB 104 - Senator Driscoll moved consideration of **HB 104** be passed for the day. Without objection, so ordered.

SB 381 - Senator Vincent moved **SB 381** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tropila, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 - Senator Boulanger moved **SB 397** do pass.

SB 397 - Senator Boulanger moved **SB 397**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND BAIT"

2. Title, page 1, line 6 through line 7.
Strike: "DURING" on line 6 through "HUNTING" on line 7
Insert: "AND"

3. Title, page 1, line 8.

Strike: "BEAR BAITING AND"
Insert: "A"
Strike: "LICENSES"
Insert: "LICENSE"

4. Title, page 1.
Following: line 9
Insert: "PROVIDING PENALTIES;"

5. Title, page 1, line 12.
Following: "87-2-702,"
Insert: "87-5-111,"
Following: "87-6-205,"
Insert: "87-6-301,"
Strike: the first "AND"
Following: "87-6-414,"
Insert: "AND 87-6-601,"

6. Page 1, line 22.
Strike: "and bait" through "[section 3]"

7. Page 1, line 23 through line 24.
Strike: ", during" on line 23 through "[section 3]" on line 24

8. Page 1, line 29.
Strike: the first "4"
Insert: "3"

9. Page 1, line 29 through page 2, line 1.
Strike: "Except" on page 1, line 29 through "section." on page 2, line 1

10. Page 3, line 20 through page 4, line 29.
Strike: section 3 in its entirety
Renumber: subsequent sections

11. Page 11.
Following: line 25
Insert: "Section 10. Section 87-5-111, MCA, is amended to read:

"87-5-111. Enforcement and penalty. (1) ~~Any~~ A person who violates the provisions of this part or ~~whoever~~ fails to ~~procure~~ obtain or violates the terms of any permit issued ~~thereunder shall be~~ under this part is guilty of a misdemeanor.

(2) A person who violates the provisions of [section 1 or 3] related to the hunting or trapping of wolves during a provisional season or fails to obtain or violates the terms of a license issued to hunt or trap wolves under [section 1] is guilty of a misdemeanor.

~~(2)~~(3) ~~Upon a first conviction for a violation under this part, the court may fine the~~

~~defendant~~ A person who violates this section may, upon conviction for a first offense, be fined an amount not to exceed $250. ~~Upon a second such conviction, the defendant~~ A person convicted of a second offense under this section may be fined an amount not to exceed $500 or be imprisoned in the county jail for ~~any term not to exceed~~ not more than 30 days, or both. ~~Upon subsequent such convictions, the defendant~~ A person convicted of a subsequent violation shall be fined not less than $500 or more than $1,000. ~~and in~~ In addition, the person may be imprisoned in the county jail for ~~any term not to exceed~~ not more than 6 months.

~~(3)~~(4) Any officer employed and authorized by the director or any peace officer of the state or of any municipality or county within the state shall have authority to enforce the provisions of this part and the provisions of [sections 1 and 3] related to the hunting and trapping of wolves during a provisional season.

~~(4)~~(5) Wildlife seized under the provisions of this part ~~shall~~ must be held by an officer or agent of the department pending disposition of court proceedings and thereafter be forfeited to the state for disposition as the director may ~~deem~~ find appropriate. Prior to forfeiture, the director may direct the transfer of wildlife so seized to a qualified zoological, educational, or scientific institution for safekeeping. The department is authorized to issue regulations to implement this subsection.""

Renumber: subsequent sections

12. Page 12.

Following: line 26

Insert: "Section 12. Section 87-6-301, MCA, is amended to read:

"87-6-301. Hunting, fishing, or trapping without license. (1) Except as provided in 87-2-311 and subsection (2) of this section, a person may not:

(a) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess within this state any game animal, game bird, fur-bearing animal, game fish, or parts of those animals or birds except as provided by law or as provided by the department;

(b) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish, except at the places and during the periods and in the manner established by law or as prescribed by the department;

(c) hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or fish for any fish within this state or possess, sell, purchase, ship, or reship any imported or other fur-bearing animal or parts of fur-bearing animals without first having obtained a proper and valid license or permit from the department to do so;

(d) trap or attempt to trap predatory animals or nongame wildlife without a license, as prescribed in [section 1] or 87-2-603, if that person is not a resident; or

(e) hunt migratory game birds without first having obtained a valid migratory game bird license from the department if the person is 16 years of age or older.

(2) The provisions of this section do not require a person who accompanies a licensed disabled hunter, as authorized under 87-2-803(4), to be licensed in order to kill or attempt to kill a game animal that has been wounded by a disabled hunter when the disabled hunter is unable to pursue and kill the wounded game animal. However, the person must meet the qualifications for a license in the person's state of residence.

(3) A person convicted of a violation of this section shall be fined not less than $50 or

more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(4) A person convicted of hunting without a license may be subject to the additional penalties provided in 87-6-901 and 87-6-902.

(5) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through 87-6-907.""

Renumber: subsequent sections

13. Page 16.

Following: line 2

Insert: "NEW SECTION. **Section 16. Unlawful hunting of mountain lions and black bears during provisional season.** (1) A person hunting mountain lions or black bears during a provisional season opened pursuant to [section 1] may not hunt or attempt to hunt a black bear or mountain lion during that season except as provided in [sections 1 and 2] or without first having obtained a proper and valid license from the department to do so.

(2) A person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court."

Insert: "Section 17. Section 87-6-601, MCA, is amended to read:

"87-6-601. Trapping and snaring offenses. (1) A person may not use a snare trap for the purpose of snaring a fur-bearing animal, a predatory animal, or a nongame species unless:

(a) the snare trap is tagged with a numbered metal device identifying the owner's name, address, and telephone number;

(b) the consent of the landowner has been obtained for a set on private property; ~~and~~

(c) the snare trap is set in a manner and at a time so that it will not unduly endanger livestock. A person who injures livestock in snare traps is liable for damages to the owner of the livestock.

(d) if used during a provisional season to snare wolves, the snare is used in accordance with [section 3].

(2) A person trapping fur-bearing animals, predatory animals, or any other animals shall fasten a metal tag to all traps bearing in legible English the name and address or wildlife conservation license number of the trapper, except that a tag is not required on traps used by landowners trapping on their own land or on an irrigation ditch right-of-way contiguous to the land.

(3) A holder of a Class C-2 trapper's license or a license issued under [section 1] may not trap or snare predatory animals or nongame wildlife on private property without obtaining written permission from the landowner, the lessee, or their agents.

(4) A person may not at any time willfully destroy, open or leave open, or partially destroy a house of any muskrat or beaver, except that trapping in the house of muskrats is not

prohibited when authorized by the commission.

(5) (a) A person may not destroy, disturb, or remove any trap or snare belonging to another person or remove wildlife from a trap or snare belonging to another person without permission of the owner of the trap or snare, except that from March 1 to October 1 of each year a person may remove any snare from land owned or leased by the person if the snare would endanger livestock.

(b) This subsection (5) does not apply to a law enforcement officer acting within the scope of the officer's duty.

(6) A person convicted of a violation of this section shall be fined not less than $50 or more than $1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by the state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

(7) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 and 87-6-906.""

Renumber: subsequent sections

14. Page 16, line 6.
Strike: "[Sections 2 and 3] are"
Insert: "[Section 2] is"

15. Page 16, line 7.
Strike: "[sections 2 and 3]"
Insert: "[section 2]"

16. Page 16, line 8.
Strike: "4"
Insert: "3"

17. Page 16, line 9.
Strike: "4"
Insert: "3"

18. Page 16.
Following: line 9
Insert: "(4) [Section 16] is intended to be codified as an integral part of Title 87, chapter 6, part 4, and the provisions of Title 87, chapter 6, part 4, apply to [section 16]."

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent,

Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 44

Nays: Blewett, Kaufmann, Malek, Ripley, Wanzenried, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 397 - Senator Boulanger moved **SB 397**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 387 - Senator Debby Barrett moved **SB 387** do pass.

SB 387 - Senator Peterson moved **SB 387**, second reading copy, be amended as follows:

1. Title, page 1, line 10 through line 11.
Strike: "PROVIDING" on line 10 through ";" on line 11

2. Title, page 1, line 13.
Strike: "CLARIFYING" through ";"

3. Title, page 1, line 14.
Strike: "2-2-136,"

4. Title, page 1, line 15.

Strike: "13-37-113,"

5. Page 2, line 11.
Following: "possible"
Insert: "civil or"

6. Page 3, line 1 through page 4, line 20.
Strike: section 4 in its entirety
Renumber: subsequent sections

7. Page 5, line 14.
Strike: "a criminal"
Insert: "an"
Following: "~~or~~"
Insert: "the commission or"

8. Page 8, line 22.
Strike: "that the individual has been identifiably and specifically harmed by"

9. Page 9, line 17 through page 10, line 4.
Strike: section 15 in its entirety
Renumber: subsequent sections

10. Page 10, line 25.
Following: "~~13-37-125~~"
Insert: "appropriate county attorney may initiate a civil or criminal action pursuant to 13-37-124 and 13-37-125 or the"

11. Page 11, line 1.
Following: "~~13-37-125~~"
Insert: "appropriate county attorney may initiate a civil or criminal action pursuant to 13-37-124 and 13-37-125 or the"

12. Page 11, line 8.
Following: "**--**"
Insert: "**civil or**"

13. Page 11, line 10.
Following: "~~or~~"
Insert: "civil or"

14. Page 11, line 14.
Following: "~~.~~"
Insert: "If the county attorney fails to initiate the appropriate civil or criminal action within 30 days after receiving notification of the alleged violation, the commission may then initiate

the appropriate legal action."

15. Page 11, line 18.
Following: "a"
Insert: "civil or"

16. Page 11, line 25.
Following: "."
Insert: "(4) If a prosecution is undertaken by the commissioner, all court costs associated with the prosecution must be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner, except those paid to or imposed by a justice's court, must be deposited in the state general fund."

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 387 - Senator Debby Barrett moved **SB 387**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 401, **HB 554**, **SB 394** - Senator Wittich moved consideration of **SB 401**, **HB 554**, **and SB 394** be passed for the day. Without objection, so ordered.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Blewett, Malek, Phillips, Priest, Vuckovich, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 117 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Boulanger, Fielder, Sales, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 488 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Arthun, Boulanger, Priest, Ripley, Sales, Vincent.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 566 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 287 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: Boulanger, Fielder, Priest, Sales, Sonju, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 384 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

President Essmann announced the discussion of resolutions scheduled under this order of business would be passed to the following day.

MOTIONS

Senator Tutvedt moved to change his vote on **SB 295** from Yes to No. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 4/3/2013
HB 233, be amended as follows:

1. Page 2, line 27.
Strike: "at least"

2. Page 4, line 26.
Strike: "**condition of parole**"
Insert: "imposition of conditions"

3. Page 5, line 13.
Following: "(2)"
Strike: "The"
Insert: "Upon an offender's participation in the sobriety program and payment of the fees required by 44-4-1204:
(a) the"

4. Page 5, line 14.
Strike: "any OTHER crime in which"
Insert: "a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if"

5. Page 5, line 15 and 16.
Strike: "upon" on line 15 through "44-4-1204." on line 16
Insert: ";"

6. Page 5, line 17.
Strike: "(3) The"
Insert: "(b) the"

7. Page 5, line 19.
Strike: "any OTHER crime in which"
Insert: "a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if"

8. Page 5, line 20 through line 21.
Strike: "upon" on line 20 through "44-4-1204." on line 21
Insert: ";"

9. Page 5, line 22.
Strike: "(4) The"
Insert: "(c) the"
Strike: ", the department of corrections, or a parole officer"

10. Page 5, line 23 and 24.
Following: "61-8-465," on line 23
Strike: "for"
Following: "or" on line 23
Strike: "for any OTHER crime in which"
Insert: "a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if"

11. Page 5, line 25.
Strike: "upon" through "44-4-1204."
Insert: "; or"

12. Page 5, line 26.
Insert: "(d) the department of corrections may establish conditions for conditional release for a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime.

(3) An entity referred to in subsections (2)(a) through (2)(d) may condition any bond or pretrial release, suspended execution of sentence, probation, parole, or conditional release as provided in those subsections for an individual charged with or convicted of a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether

the charge or conviction was for a first, second, or subsequent violation of the statute."

13. Page 8, line 9.
Following: ", or"
Strike: "any other crime in which"
Insert: "a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if"

14. Page 8, line 10.
Following: "crime"
Insert: "or for a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute"

15. Page 9, line 8 through line 9.
Strike: "require the person" on line 8 through "program or" on line 9

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 10:00 a.m., Thursday, April 4, 2013, the seventieth legislative day. Motion carried.

Senate adjourned at 4:22 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 4, 2013 — State Capitol

Senate convened at 10:01 a.m. President Essmann presiding. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Arthun, Caferro, Malek, Ripley, Thomas, and Windy Boy, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/4/2013

Correctly printed: **SB 240**, **SB 369**, **SB 381**, **SB 400**, **SB 405**, **SB 408**, **SJR 24**, **SJR 26**, **SJR 27**, **SR 49**, **SR 50**, **SR 51**, **SR 52**, **SR 53**, **SR 54**, **HB 240**, **HB 344**, **HB 355**, **HB 395**, **HB 417**.
Correctly engrossed: **SB 374**, **SB 387**, **SB 397**, **HB 54**, **HB 97**, **HB 120**, **HB 233**, **HB 265**, **HB 477**, **HB 499**, **HB 524**, **HB 560**.
Transmitted to the House: **SB 280**, **SB 384**, **HB 117**, **HB 287**, **HB 488**, **HB 566**.
Signed by the Secretary of the Senate at 9:07 a.m., April 4, 2013: **SB 11**, **SB 18**, **SB 19**, **SB 120**, **SB 122**, **SB 136**, **SB 239**, **SR 23**, **SR 29**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**.
Signed by the President at 11:04 a.m., April 4, 2013: **SB 11**, **SB 18**, **SB 19**, **SB 120**, **SB 122**, **SB 136**, **SB 239**, **SR 23**, **SR 29**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**.
Signed by the Speaker at 4:55 p.m., April 3, 2013: **SB 45**, **SB 48**, **SB 116**, **SB 125**, **SB 165**, **SB 185**, **SB 194**, **SB 224**, **SB 259**, **SB 316**.
Signed by the Speaker at 3:30 p.m., April 4, 2013: **SB 11**, **SB 18**, **SB 19**, **SB 120**, **SB 122**, **SB 136**, **SB 239**.
Delivered to the Governor at 11:46 a.m., April 4, 2013: **SB 45**, **SB 48**, **SB 116**, **SB 125**, **SB 165**, **SB 185**, **SB 194**, **SB 224**, **SB 259**, **SB 316**.
Delivered to the Secretary of State at 1:16 p.m., April 4, 2013: **SR 5**, **SR 6**, **SR 11**, **SR 17**, **SR 23**, **SR 25**, **SR 27**, **SR 29**, **SR 35**, **SR 36**, **SR 37**, **SR 38**, **SR 39**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 4/4/2013
HB 417, be concurred in. Report adopted.
HB 477, be amended as follows:

1. Title, page 1, line 9.
Following: "~~CONTRACT~~"
Insert: "AND UTILITY LIABILITY"

2. Title, page 1, line 10.
Following: "~~DATE~~"

Insert: "AND AN APPLICABILITY DATE"

3. Page 1, line 25.
Following: "(3)"
Insert: "(a)"

4. Page 1.
Following: line 27
Insert: "(b) A utility may provide the information required pursuant to subsection (1) only to a person or entity owning the property or representing the person or entity or to a person involved in a real estate-related transaction on the property."

5. Page 1, line 28.
Strike: "THIS SECTION, "utility""
Insert: "[sections 1 and 2], the following definitions apply:
(a) "Real estate-related transaction" means any of the following:
(i) the making or purchasing of loans or providing other financial assistance:
(A) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation or property; or
(B) secured by real estate; or
(ii) the selling, leasing, brokering, or appraising of real property.
(b) "Utility"

6. Page 2.
Following: line 12
Insert: "NEW SECTION. **Section 2. Utility -- liability.** A utility is liable for direct damages resulting from a discontinuance of utility service caused by breach of a continuous service agreement."
Renumber: subsequent sections

7. Page 2, line 14.
Strike: "[SECTION 1] IS"
Insert: "[Sections 1 and 2] are"

8. Page 2, line 16.
Strike: "[SECTION 1]"
Insert: "[sections 1 and 2]"

9. Page 2.
Following: line 23
Insert: "NEW SECTION. **Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Insert: "NEW SECTION. **Section 5. Saving clause.** [This act] does not affect rights and

duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Renumber: subsequent sections

10. Page 2.
Following: line 25
Insert: "NEW SECTION. **Section 7. Applicability.** [This act] applies to damage to property that occurs on or after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

Senators Caferro and Malek present at this time.

FINANCE AND CLAIMS (Ripley, Chair): 4/3/2013
SB 240, do pass. Report adopted.
SB 369, do pass. Report adopted.
HB 336, be concurred in. Report adopted.

Senator Ripley present at this time.

JUDICIARY (Murphy, Chair): 4/4/2013
SR 7, be adopted. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 4/3/2013
HB 499, be amended as follows:

1. Page 2, line 5.
Strike: "sale,"

2. Page 2, line 14 through page 2, line 19.
Strike: subsection (3) in its entirety

And, as amended, be concurred in. Report adopted.

HB 524, be amended as follows:

1. Page 1, line 15.
Following: "both"
Insert: "."
Strike: ", and whose premises proposed for licensing"

2. Page 1, line 16.
Strike: "have" through "IF"
Insert: "If the premises proposed for licensing are"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 4/3/2013
HB 54, be amended as follows:

1. Page 14.
Following: line 21
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If House Bill No. 78 and [this act] are both passed and approved and if both contain sections amending 19-20-733, then the sections amending 19-20-733 are void and 19-20-733 must be amended as follows:

"19-20-733. Resumption of employment by retired member -- suspension of benefits. ~~(1)~~ [Except as provided in 19-20-732, and] subject to [section 2 of House Bill No. 78], the following provisions apply:

(1) ~~if~~ If a retired member returns to employment in a position covered by the retirement system and becomes an active contributing member, benefits must be suspended until the member terminates all employment and applies to have benefits reinstated.

(2) ~~Except as provided in subsection (4), upon~~ Upon termination and retirement of a previously retired member who was reinstated to active membership pursuant to 19-20-731 before July 1, 2009:

(a) if the member earned less than 1 year of creditable service, the original benefit and retirement option that the member was receiving at the time of suspension of benefits must be reinstated beginning either the first of the month following termination or on July 1 following the date on which the retired member was reemployed, whichever is later; or

(b) if the member earned 1 year or more of creditable service, retirement benefits must be recalculated under 19-20-804 if the member would qualify for a service retirement benefit under 19-20-801 or under 19-20-802 if the member is eligible for early retirement. The recalculated benefit must include the service credit accumulated at the time of the member's previous retirement, plus any service credit accumulated subsequent to reemployment. The recalculated benefit amount must be increased by the amount of any benefit enhancement received pursuant to 19-20-719 that the retired member was receiving when the member's benefits were suspended.

(3) (a) Except as provided in subsection ~~(4)~~ (3)(c), upon the subsequent retirement of a formerly retired member who was reinstated to active membership pursuant to 19-20-731 on or after July 1, 2009, and earned:

(i) at least 3 years of membership service following suspension of benefits, the member is entitled to resume receiving the suspended benefit in accordance with the retirement benefit option and joint annuitant previously selected, plus an additional benefit based upon the new creditable service and compensation earned. The second benefit must be calculated as provided under 19-20-804 if the member is eligible for a service retirement benefit or under 19-20-802 if the member is eligible for early retirement. The second benefit must be paid under the same retirement benefit option and with the same joint annuitant originally elected.

(ii) less than 3 years of membership service following suspension of benefits, the member is entitled to resume receiving the suspended benefit in accordance with the retirement benefit option previously selected, plus a refund of the employee contributions contributed after the member was reinstated to active service, plus interest.

(b) If a member dies during the period of reemployment following an initial retirement, the

member must be considered as retiring on the day preceding the date of death and benefits must be determined according to the following:

(i) If the member elected the normal form benefit prior to reemployment, the member's designated beneficiary must receive an amount equal to the member's accumulated contributions on deposit.

(ii) If the member elected a retirement option pursuant to 19-20-702 prior to reemployment, the benefits due are payable in accordance with the terms of the original option elected and ~~this~~ subsection (3).

~~(4) If a retired member who has not attained normal retirement age is reemployed with the same employer within 30 days from the member's effective date of retirement or if that member is guaranteed reemployment with the same employer, the member must be considered to have continued in the status of an active member and not to have separated from service. Any retirement allowance payments received by the member must be repaid to the system, together with interest, at the actuarially assumed rate, and the retirement allowance must be canceled.~~

(c) If the joint annuitant nominated prior to the member's reemployment under retirement option A, B, or C dies prior to the member reretiring, the member will be given the option to select either the normal form retirement benefit or a retirement option as provided in 19-20-702. (Bracketed language terminates June 30, 2015--sec. 5, Ch. 129, L. 2009.)""

Insert: "COORDINATION SECTION. **Section 13. Coordination instruction.** If House Bill No. 377 and [this act] are both passed and approved and if both contain sections amending 19-20-801, then the sections amending 19-20-801 are void and 19-20-801 must be amended as follows:

"19-20-801. Eligibility for service retirement. (1) A tier one member ~~who~~ is eligible to receive a service retirement allowance calculated under 19-20-804(1) if the member:

(a) has been credited with at least 5 full years of creditable service and ~~who~~ has attained the age of 60; or

(b) has been credited with full-time or part-time creditable service in 25 or more years ~~may retire from service if the member has~~.

(2) Except as provided in subsection (3), a tier two member is eligible to receive a service retirement allowance calculated under 19-20-804(1) if the member:

(a) has been credited with at least 5 full years of creditable service and has attained the age of 60; or

(b) has been credited with full-time or part-time creditable service in 30 or more years and has attained the age of 55.

(3) A tier two member who has been credited with 30 or more years of creditable service and has attained the age of 60 is eligible for a professional retirement option allowance calculated under 19-20-804(2).

(4) To receive a retirement allowance under 19-20-804, the member must have terminated employment in all positions ~~from which the member is eligible to retire and files~~ reportable to the retirement system and must file a written application with the retirement board ~~a written application~~.

(5) A vested member who has attained normal retirement age has a nonforfeitable right to the benefits accrued and payable under the provisions of this chapter, subject to the member's right to withdraw the member's accumulated contributions under 19-20-603.""

Insert: "COORDINATION SECTION. **Section 14. Coordination instruction.** If House Bill No. 377 is passed and approved and if it includes a section amending 19-20-802, then [section 7 of this act] amending 19-20-802 is void."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 64, be concurred in. Report adopted.
HB 120, be amended as follows:

1. Page 24, line 23.
Strike: "13-13-211(3)"
Insert: "13-13-201(3)"

2. Page 24, line 30.
Following: "elections."
Insert: "The address confirmation form must request the elector's driver's license number or the last four digits of the elector's social security number."

3. Page 25, line 3.
Following: "sent,"
Insert: "provide the elector's driver's license number or the last four digits of the elector's social security number,"

4. Page 47.
Following: line 22
Insert: "COORDINATION SECTION. **Section 63. Coordination instruction.** If both House Bill No. 126 and [this act] are passed and approved and if both contain sections amending 13-10-209, then the sections amending 13-10-209 are void and 13-10-209 must be amended as follows:

"13-10-209. Arrangement and preparing of primary ballots. (1) (a) Ballots for a primary election must be arranged and prepared in the same manner and number as provided in chapter 12 for general election ballots, except that there must be separate ballots for each political party entitled to participate. The name of the political party must appear at the top of the separate ballot for that party and need not appear ~~opposite~~ with each candidate's name.

(b) Nonpartisan offices and ballot issues may be prepared on separate ballots or may appear on the same ballot as partisan offices if:

(i) each section is clearly identified as separate; and

(ii) the nonpartisan offices and ballot issues appear on each party's ballot; and

(iii) ~~with respect to ballot issues, written approval is obtained as provided in~~ ballot issues are prepared in accordance with 13-27-502.

(2) ~~An~~ Except as provided in subsection (3), an election administrator does not need to prepare a primary ballot for a political party if:

(a) the party does not have candidates for more than half of the offices to appear on the ballot; ~~or~~ and

(b) no more than one candidate files for nomination by that party for any of the offices to appear on the ballot.

(3) Subsection (2) does not apply to elections for precinct committee offices. If more than

one candidate files for a precinct committee office from a party that will not have a primary ballot prepared, that party shall select the candidate to fill the office.

~~(3)~~(4) If, pursuant to subsection (2), in a primary election held under 13-1-107(1) a primary ballot for a political party is not prepared, the secretary of state shall certify that a primary election is unnecessary for that party and shall instruct the election administrator to certify the names of the candidates for that party for the general election ballot only.

~~(4)~~(5) The separate ballots for each party must have the same appearance. Each set of party ballots must bear the same number. If prepared as a separate ballot, the nonpartisan ballot may have a different appearance than the party ballots but must be numbered in the same order as the party ballots.

~~(5)~~(6) If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan ballot or a separate ballot. A separate ballot may have a different appearance than the other ballots in the election but must be numbered in the same order.

~~(6)~~(7) Each elector must receive a set of ballots that includes the party, nonpartisan, and ballot issue choices.""

Insert: "COORDINATION SECTION. **Section 64. Coordination instruction.** If either House Bill No. 30 or Senate Bill No. 405, or both, and [this act] are passed and approved, then [section 12 of this act] amending 13-2-304 is void."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 126, be concurred in. Report adopted.

HB 265, be amended as follows:

1. Page 6.

Following: line 12

Insert: "COORDINATION SECTION. **Section 6. Coordination instruction.** (1) If both Senate Bill No. 375 and [this act] are passed and approved and if both contain a section that amends 13-37-216, then the section of [this act] amending 13-37-216 is void.

(2) If both House Bill No. 229 and [this act] are passed and approved and if both contain a section that amends 13-37-216, then the section of House Bill No. 229 that amends 13-37-216 is void."

Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If both Senate Bill No. 375 and [this act] are passed and approved and if both contain a section that amends 13-37-226, then the section of [this act] amending 13-37-226 is void."

Insert: "COORDINATION SECTION. **Section 8. Coordination instruction.** If both Senate Bill No. 375 and [this act] are passed and approved and if both contain a section that amends 13-37-229, then the section of [this act] amending 13-37-229 is void."

And, as amended, be concurred in. Report adopted.

HB 560, be amended as follows:

1. Page 4, line 2 and line 3.

Following: "branch" on line 2
Strike: ", who" on line 2 through "council" on line 3

And, as amended, be concurred in. Report adopted.

HJR 17, be concurred in. Report adopted.

Senator Wittich moved the Senate stand in recess until 12:00 p.m. this date. Motion passed. Senate recessed at 10:10 a.m.

Senate reconvened at 12:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney.

Roll Call. All members present, except Senator Vuckovich, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Ripley, Chair): 4/3/2013
HB 97, be amended as follows:

1. Title, page 1, line 5.
Following: "ACT"
Insert: "REVISING THE COMPENSATION USED TO DETERMINE RETIREMENT BENEFITS IN CERTAIN PUBLIC RETIREMENT SYSTEMS;"

2. Title, page 1, line 9.
Following: "SYSTEMS;"
Insert: "PROVIDING THAT ELECTIVE CONTRIBUTIONS FOR A CERTAIN HEALTH PLAN MAY NOT BE CONSIDERED COMPENSATION IN THE PUBLIC EMPLOYEES', JUDGES', HIGHWAY PATROL OFFICERS', SHERIFFS', GAME WARDENS' AND PEACE OFFICERS', MUNICIPAL POLICE OFFICERS', AND FIREFIGHTERS' UNIFIED RETIREMENT SYSTEMS; "

3. Page 8, line 9.
Strike: "115%"
Insert: "110%"

4. Page 8, line 11.
Strike: "115%"
Insert: "110%"

5. Page 8, line 29.
Strike: "and"

6. Page 9, line 1
Following: "employment"
Insert: "; (vi) for employees who became members on or after [the effective date of this act], elective contributions under a cafeteria plan provided for in 26 U.S.C. 125;
or (vii) bonuses provided after July 1, 2013, that are one-
time, temporary payments in addition to and not considered part of base pay"

7. Page 9, line 30.
Following: "(1)"
Insert: "(a)"

8. Page 10.
Following: line 1
Insert: "(b) For employees who became members on or after [the effective date of this act], compensation does not include elective contributions under a cafeteria plan provided for in 26 U.S.C. 125.
(c) Compensation does not include bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay."

9. Page 10, line 17.
Following: "include"
Insert: ": (i)"
Following: "expenses"
Insert: "; (ii) for employees who became members on or after [the effective date of this act], elective contributions under a cafeteria plan provided for in 26 U.S.C. 125;
or (iii) bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay"

10. Page 11, line 13.
Following: "include"
Insert: ": (i)"
Following: "expenses"
Insert: "; (ii) for employees who became members on or after [the effective date of this act], elective contributions under a cafeteria plan provided for in 26 U.S.C. 125;
or (iii) bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay"

11. Page 12, line 15.
Following: "include"
Insert: ": (i)"
Following: "expenses"
Insert: "; (ii) for employees who became members on or after [the effective date of this act], elective contributions under a cafeteria plan provided for in 26 U.S.C. 125;
or (iii) bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay"

12. Page 13, line 17.
Strike: the second "and"

13. Page 13, line 18.
Following: "expenses"
Insert: "; (iii) for employees who became members on or after [the effective date of this act], elective contributions under a cafeteria plan provided for in 26 U.S.C. 125;
or (iv) bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay"

14. Page 15, line 3.
Strike: "and"

15. Page 15, line 4.
Following: "expenses"
Insert: "; (iii) for employees who became members on or after [the effective date of this act], elective contributions under a cafeteria plan provided for in 26 U.S.C. 125;
or (iv) bonuses provided after July 1, 2013, that are one-time, temporary payments in addition to and not considered part of base pay"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/3/2013
HJR 16, be concurred in. Report adopted.

Senator Vuckovich present at this time.

MESSAGES FROM THE GOVERNOR

April 3, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Wednesday, April 3, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 33 - Jent
Senate Bill 57 - Jent

Senate Bill 63 - Blewett
Senate Bill 70 - Walker
Senate Bill 99 - Olson
Senate Bill 132 - Jergeson
Senate Bill 267 - Thomas

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 4/3/2013

HB 593, introduced by Wagoner
HB 605, introduced by Schwaderer
HB 608, introduced by Cuffe
HB 626, introduced by Osmundson

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 28, introduced by Phillips, referred to Fish and Game.
SJR 29, introduced by Phillips, referred to Energy and Telecommunications.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 55, introduced by Blewett, L. Jones, referred to Education and Cultural Resources.
SR 56, introduced by Olson (by request of the Senate Energy and Telecommunications Standing Committee), referred to Energy and Telecommunications.
SR 57, introduced by Olson (by request of the Senate Energy and Telecommunications Standing Committee), referred to Energy and Telecommunications.
SR 58, introduced by Jergeson (by request of the Senate Energy and Telecommunications Standing Committee), referred to Energy and Telecommunications.
SR 59, introduced by Olson (by request of the Senate Energy and Telecommunications Standing Committee), referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 593, introduced by Wagoner, Fitzpatrick, Howard, Knudsen, D. Moore, Randall, referred to Taxation.

HB 605, introduced by Schwaderer, Blyton, referred to Local Government.
HB 608, introduced by Cuffe (by request of the House Joint Appropriations Subcommittee on Natural Resources and Transportation), referred to Finance and Claims.
HB 626, introduced by Osmundson (by request of the House Joint Appropriations Subcommittee on General Government), referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 143 - Senator Brenden moved **SB 143** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Fielder, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 104 - Senator Driscoll moved **HB 104** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Blewett, Caferro, Kaufmann, Malek, Stewart-Peregoy, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 396 - Senator Brenden moved **SB 396** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 38

Nays: Augare, Barrett Dick, Blewett, Caferro, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tutvedt, Vuckovich, Wanzenried, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 401 - Senator Sesso moved **SB 401** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 46

Nays: Kaufmann, Stewart-Peregoy, Wanzenried, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 554 - Senator Blewett moved **HB 554** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown,

Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Arntzen, Brenden, Hamlett, Lewis, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 394 - Senator Wittich moved **SB 394** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 380 - Senator Vincent moved **SB 380** do pass.

SB 380 - Senator Vincent moved **SB 380**, second reading copy, be amended as follows:

1. Page 2, line 27.
Following: "SHALL"
Insert: ", through February 28, 2015,"
Strike: "AN ADDITIONAL"
Insert: "not more than 18,200 Class B-10 licenses with"
Following: "LICENSES"
Strike: "THROUGH FEBRUARY 28, 2015"
Insert: "reserved for nonresident applicants that entitle the holder to hunt only in the wilderness

areas listed in subsection (3)(a) and subject to the provisions of subsections (3)(b) through (3)(d)"

2. Page 2, line 28.
Following: "MARCH 1, 2015,"
Strike: "AN ADDITIONAL"
Insert: "shall offer not more than 18,500 Class B-10 licenses with"
Strike: "TO"
Insert: "reserved for"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 380 - Senator Vincent moved **SB 380**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 282 - Senator Tutvedt moved **SB 282** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Barrett Dick, Blewett, Caferro, Facey, Jergeson, Kaufmann, Malek, Phillips, Tropila, Van Dyk, Wanzenried.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 398 - Senator Tutvedt moved **SB 398** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy.
Total 36

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Fielder, Moore, Rosendale, Sales, Sonju, Taylor, Walker, Wanzenried, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 392 - Senator Kaufmann moved **SB 392** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Brenden, Ripley.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 - Senator Jent rose on a point of parliamentary procedure and objected to the scheduling of **SB 405** for second reading. Senator Jent stated the committee hearing the previous day was not sufficiently noticed and requested a ruling from the chair on his objection.

Chair Phillips explained Senate rule S30-60 allows for a short posting of a hearing if the hearing is less than ten legislative days before an applicable transmittal deadline.

Senator Olson moved **SB 405** do pass.

SB 405 - Senator Blewett moved **SB 405**, second reading copy, be amended as follows:

1. Title, line 4 through line 6.
Strike: "PROTECTING" on line 4 through "LATE" on line 5
Insert: "ELIMINATING ELECTION DAY"
Following: "REGISTRATION AND" on line 5
Strike: remainder of line 5 through "ACT" on line 6
Insert: "ENDING LATE VOTER REGISTRATION THE FRIDAY BEFORE ELECTION DAY"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 23

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 27

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 405 - Thereupon, the Senate reverted to the original motion of Senator Olson which passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 407 - Senator Thomas moved **SB 407** do pass. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, Buttrey, Jackson, Lewis, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 21

Nays: Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Kaufmann excused at this time.

SB 407 - Senator Wittich moved **SB 407** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey,

Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 38

Nays: Arntzen, Brenden, D. Brown, Jackson, Moore, Priest, Taylor, Thomas, Walker, Webb, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Kaufmann.
Total 1

Senator Kaufmann present at this time.

SB 408 - Senator Olson moved **SB 408** do pass. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 44 - **Governor's Amendments** - Senator Keane moved Governor's amendments to **SB 44** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 346 - **House Amendments** - Senator Vincent moved House amendments to **SB 346** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 44

Nays: Augare, Kaufmann, Malek, Stewart-Peregoy, Wanzenried, Windy Boy.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 23 - **Governor's Amendments** - Senator Rosendale moved Governor's amendments to **SB 23** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 47

Nays: Tropila, Wanzenried, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jackson excused at this time.

SB 240 - Senator Tutvedt moved **SB 240** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Kaufmann, Malek, Stewart-Peregoy, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

SB 369 - Senator Facey moved **SB 369** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Phillips moved the Committee of the Whole report be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Kaufmann, Malek, Sesso, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 395 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

SB 400 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.

Total 36

Nays: Boulanger, T. Brown, Keane, Larsen, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

HB 240 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

SB 381 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Fielder, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, D. Brown, Caferro, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

SB 395 passed as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Paired: T. Brown, Aye; Jackson, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Taylor moved to change her vote on **SB 395** from Yes to No. Without objection, so ordered.

Senator Windy Boy moved to change his vote on **HB 240** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

SR 7 - Senator Murphy moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 7**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

SR 30 - Senator Peterson moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 30**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

SR 24 - Senator Arthun moved the nomination transmitted by the Governor **not** be confirmed by the Senate in accordance with **SR 24**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Barrett Dick, Blewett, Hamlett, Kaufmann, Tropila, Vuckovich, Wanzenried.
Total 7

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

SR 47 - Senator Peterson moved the nomination transmitted by the Governor be confirmed by

the Senate in accordance with **SR 47**. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Jackson.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 12:00 p.m., Friday, April 5, 2013, the seventy-first legislative day. Motion carried.

Senate adjourned at 4:27 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 5, 2013 — State Capitol

Senate convened at 12:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Augare, absent. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/5/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-sixth through the sixtieth legislative days, find the same to be correct.

Correctly printed: **SB 143**, **SB 240**, **SB 282**, **SB 369**, **SB 392**, **SB 394**, **SB 396**, **SB 398**, **SB 401**, **SB 405**, **SB 408**, **SJR 22**, **SJR 28**, **SJR 29**, **SR 22, SR 55**, **SR 56**, **SR 57**, **SR 58**, **SR 59**, **SR 60**, **SR 61**, **HB 64, HB 74**, **HB 104**, **HB 126**, **HB 391**, **HB 396**, **HB 478**, **HB 554**, **HJR 16**, **HJR 17**.
Correctly engrossed: **SB 380, HB 157, HB 345, HB 403, HB 433, HB 442, HB 494, HB 497, HB 573**.
Correctly enrolled: **SR 7**, **SR 30**.
Examined by the sponsor and found to be correct: **SR 7**, **SR 30**.
Transmitted to the House: **SB 143**, **SB 240**, **SB 282**, **SB 369**, **SB 374**, **SB 380**, **SB 381**, **SB 387**, **SB 392**, **SB 394**, **SB 395**, **SB 396**, **SB 397**, **SB 398**, **SB 400**, **SB 405**, **SB 408**, **HB 104**, **HB 240**, **HB 395**, **HB 554**.
Delivered to the Governor at 8:30 a.m., April 5, 2013: **SB 11**, **SB 18**, **SB 19**, **SB 120**, **SB 122**, **SB 136**, **SB 239**.

Senator Wanzenried rose on a point of privilege. Senator Brenden rose to respond to Senator Wanzenried.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Brenden, Chair): 4/4/2013
HB 396, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/4/2013
HB 157, be amended as follows:

1. Page 1, line 11.
Strike: "(a)"

2. Page 1, line 14.
Following: "combination"
Insert: "if:
(a) the vendor and the purchaser agree in writing to the split weighing; and
(b) either the vendor or the purchaser who is a party to the agreement is responsible for paying the cost of the shipment and any freight charges"

3. Page 1.
Following: line 17
Insert: "(3) The written agreement between the vendor and the purchaser to allow for split weighing must accompany delivery of the commodity."
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

HB 442, be amended as follows:

1. Title, line 6 through line 8.
Strike: "INCREASING" on line 6 through "REPORT;" on line 8

2. Title, line 8.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 61-7-109"

3. Page 1, line 15.
Strike: "$2,000"
Insert: "$1,000"

4. Page 1, line 20 through page 2, line 7.
Strike: section 2 in its entirety

And, as amended, be concurred in. Report adopted.

HB 494, be amended as follows:

1. Title, line 5.
Strike: "INSPECT" through "CONTRACTS"
Insert: "PERFORM AN INSPECTION"

2. Title, line 6.
Strike: "COMPLETION"
Insert: "A CONTRACTOR'S REQUEST FOR AN INSPECTION"
Strike: "AND"

3. Title, line 8 through line 9.
Strike: ", AFTER" on line 8 through "LAPSE" on line 9
Insert: "; AND AMENDING SECTION 60-2-115, MCA"

4. Page 1, line 13 through page 2, line 4.
Strike: sections 1 and 2 in their entirety
Insert: "Section 1. Section 60-2-115, MCA, is amended to read:

"60-2-115. Contract let by commission -- time for final payment of contract price -- interest. (1) ~~The commission~~ Subject to subsections (2) through (4), the department shall comply with the 30-day time period for payment of contracts as provided in 18-2-306 for all contracts let by the commission in accordance with this part.

(2) For the final payment on a contract, the department shall, within 30 days after a request by the contractor for final acceptance, perform an inspection of the project and notify the contractor of whether the department has granted or refused final acceptance.

(3) If the department notifies the contractor that the department has granted final acceptance, the department shall make the final payment of the contract price specified in the contract to the other party to the contract within 90 days after the notice.

(4)(a) If the department notifies the contractor that the department has refused final acceptance, the department shall include with the notice a list of all deficiencies that must be cured before the department will grant final acceptance.

(b) After the contractor has cured all of the deficiencies, the contractor shall request final acceptance by the department. Within 30 days after the contractor's request, the department shall perform an inspection of all of the cured deficiencies.

(c) If the department notifies the contractor of its final acceptance, the department shall make the final payment as provided in subsection (3).

(d) If the department notifies the contractor that the department has refused final acceptance, the department shall:

(i) notify the contractor of any remaining deficiencies; and

(ii) grant final acceptance, subject to any remedy provided under the provisions of Title 28, chapter 2.

(5) When the department grants final acceptance, the department shall immediately consider the contract complete and close the contract.

(6) For the purposes of this section, the following definitions apply:

(a) "Final acceptance" means the department's acceptance of the construction, maintenance, or public works project upon certification by the architect, project engineer, or other representative of the department of final completion of the project.

(b) "Final completion" means that the project has been completed in accordance with the terms and conditions of the contract documents and all warranties have expired.""
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 573, be amended as follows:

1. Page 65.

Following: line 2
Insert: "COORDINATION SECTION. **Section 41. Coordination instruction.** If both House Bill No. 414 and [this act] are passed and approved and if both contain a section that amends 61-3-201, then the sections amending 61-3-201 are void and 61-3-201 must be amended as follows:

"61-3-201. Certificate of title required -- exclusions. (1) Except as provided in subsection (2), the owner of a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is in this state and for which a certificate of title has not been issued by or an electronic record of title has not been created by the department shall apply to the department, its authorized agent, or a county treasurer for a certificate of title for the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile.

(2) The following motor vehicles, motorcycles, quadricycles, off-highway vehicles, utility vehicles, trailers, semitrailers, pole trailers, campers, motorboats, personal watercraft, sailboats, or snowmobiles are exempt from the requirements of this part:

(a) a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by the United States, unless the motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile is registered in this state;

(b) except as required in 61-4-111, a motor vehicle, motorcycle, quadricycle, off-highway vehicle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile that is:

(i) owned by a manufacturer, a dealer, a wholesaler, or an auto auction; and

(ii) held for sale, even though incidentally moved on the highway, used for purposes of testing or demonstration, or used solely by a manufacturer for testing;

(c) a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile owned by a nonresident ~~of this state~~ or a nonresident who has a place of abode in Montana and who chooses not to register a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer in this state as provided in 61-3-303;

(d) a motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat, or snowmobile regularly engaged in the interstate transportation of persons or property and:

(i) for which a currently effective certificate of title has been issued in another state or jurisdiction; or

(ii) that is properly registered under the provisions of Title 61, chapter 3, part 7;

(e) a vehicle moved solely by human or animal power;

(f) an implement of husbandry;

(g) special mobile equipment or a motor vehicle or trailer designed and used to apply fertilizer to agricultural land;

(h) a self-propelled wheelchair or tricycle used by a person with a disability;

(i) a dolly or converter gear;

(j) a mobile home or housetrailer;

(k) a manufactured home declared to be an improvement to real property under 15-1-116; or

(l) a golf cart unless it is operated by a person with a low-speed restricted driver's license.""

Section 42. Coordination instruction. If both House Bill No. 414 and [this act] are passed and approved and if both contain a section that amends 61-3-303, then the sections amending 61-3-303 are void and 61-3-303 must be amended as follows:

"61-3-303. Original registration -- process -- fees. (1) Except as provided in 61-3-324, a Montana resident who owns a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner is domiciled. A nonresident who has a place of abode in Montana may register in the county where the abode is located a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state.

(2) Except as provided in subsections ~~(3) and (11)~~ (3), (11), and (12), the county treasurer shall register any vehicle for which:

(a) as of the date that the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(b) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(3) (a) A county treasurer may register a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the owner of a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer ~~owner~~ to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot, due to circumstances beyond the new owner's control, surrender a previously assigned certificate of title. The new owner may submit an application for certificate of title, subject to the registration renewal limitations of 61-3-312.

(4) Upon registering a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the county treasurer shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5); and

(e) assign and issue license plates for the vehicle under 61-3-331.

(5) Unless otherwise provided by law, a person registering a motor vehicle, motorcycle,

quadricycle, or utility vehicle shall pay to the county treasurer:

(a) the fees in lieu of tax or registration fees as required for:

(i) a light vehicle under 61-3-321 or 61-3-562, in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570;

(ii) a motor home under 61-3-321;

(iii) a travel trailer under 61-3-321;

(iv) a motorcycle, ~~or~~ quadricycle, or utility vehicle under 61-3-321;

(v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-321 and 61-3-529; or

(vi) a trailer under 61-3-321;

(b) a donation of $1 or more if the person indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and

(c) a donation of $1 or more if the person indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

(6) The county treasurer may not issue a registration receipt or license plates for the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (5).

(7) The department may make full and complete investigation of the registration status of the motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.

(8) Revenue that accrues from the voluntary donation provided in subsection (5)(b) must be forwarded by the respective county treasurer to the department for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, ~~or~~ quadricycle, or utility vehicle or a trailer, semitrailer, or pole trailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer is owned by the same person who registered the travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer. Once registered, a travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer is registered permanently unless ownership is transferred.

(b) Whenever ownership of a travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the travel trailer, motorcycle, quadricycle, utility vehicle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

(10) Revenue that accrues from the voluntary donation provided in subsection (5)(c) must be forwarded by the respective county treasurer to the department for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury.

(11) ~~Beginning January 1, 2013, the~~ The county treasurer shall use the online motor vehicle liability insurance verification system provided in 61-6-157 to verify that the vehicle owner has

complied with the requirements of 61-6-301.

(12) If a motorcycle, quadricycle, utility vehicle, off- highway vehicle, or snowmobile will not be operated on public highways or public lands, the owner is not required to register the motorcycle, quadricycle, utility vehicle, off-highway vehicle, or snowmobile under Title 23, chapter 2, part 6 or 8, or under this part."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 4/4/2013

SJR 22, do pass. Report adopted.

HB 74, be concurred in. Report adopted.

HB 345, be amended as follows:

1. Page 4.

Following: line 13

Insert: "(b) The production of a record pursuant to Article II, section 9, of the Montana constitution or Title 2, chapter 6, is not a public disclosure for purposes of this section."

Renumber: subsequent subsections

2. Page 4, line 24.

Following: "STATE"

Insert: "unless the officer or employee has a financial interest in the conduct upon which the complaint or civil action arises"

3. Page 5, line 8.

Following: line 8

Insert: "(8) If a governmental entity does not intervene, the person who initiated the action has the same right to conduct the action as the government attorney would have had if the governmental entity had intervened, including the right to inspect government records and interview officers and employees of the governmental entity."

And, as amended, be concurred in. Report adopted.

HB 391, be concurred in. Report adopted.

HB 403, be amended as follows:

1. Page 1, line 30.

Strike: "50"

Insert: "25"

And, as amended, be concurred in. Report adopted.

HB 433, be amended as follows:

1. Page 2, line 8.

Following: "any"

Insert: "subsequent"

And, as amended, be concurred in. Report adopted.

HB 478, be concurred in. Report adopted.
HB 497, be amended as follows:

1. Page 1, line 12.
Strike: ":"

2. Page 1, line 13 through 14.
Strike: "(a)"
Following: "70-24-103"
Strike: remainder of line 13 through line 14
Insert: "unless the landlord is a participant in the party, event, or gathering that results in a violation of a social host ordinance."

3. Page 1, lines 18 and 19.
Following: "gatherings"
Strike: remainder of line 18 through "beverage" on line 19

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 3/27/2013
SR 22, be adopted. Report adopted.

Senator Sesso announced the Democrats would caucus in room 355; Senator Wittich announced the Republicans would caucus in room 317.

Senate recessed at 12:13 p.m. Senate reconvened at 3:14 p.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 408 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Excused: None.
Total 0

SB 405 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 28

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 22

Excused: None.
Total 0

SB 387 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Tutvedt.
Total 1

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.

Total 0

SB 394 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Nays: T. Brown, Buttrey, Olson, Peterson, Ripley, Tutvedt.
Total 6

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.
Total 0

SB 374 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.
Total 0

SB 380 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.
Total 0

SB 143 passed as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: None.
Total 0

Absent or not voting: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 24

Excused: None.
Total 0

SB 282 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Fielder.
Total 1

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.

Total 0

HB 104 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Excused: None.
Total 0

SB 240 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Excused: None.
Total 0

SB 396 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 28

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 22

Excused: None.
Total 0

SB 346, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.
Total 0

SB 23, **as amended by the Governor**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.

Total 0

SB 398 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Fielder.
Total 1

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.
Total 0

SB 397 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.
Total 28

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 22

Excused: None.
Total 0

SB 369 passed as follows:

Yeas: Arntzen, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 26

Nays: None.
Total 0

Absent or not voting: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 24

Excused: None.
Total 0

SB 392 passed as follows:

Yeas: Arthun, Barrett Debby, Buttrey, Fielder, Jackson, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Taylor, Thomas, Tutvedt, Webb, Wittich, Mr. President.
Total 17

Nays: Arntzen, Boulanger, Brenden, D. Brown, T. Brown, Jones, Lewis, Priest, Sales, Sonju, Vincent, Walker.
Total 12

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.
Total 0

SB 44, **as amended by the Governor**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: None.
Total 0

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.

Total 0

SB 401 failed as follows:

Yeas: Arthun, Barrett Debby, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Murphy, Tutvedt.
Total 9

Nays: Arntzen, Boulanger, Brenden, T. Brown, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Excused: None.
Total 0

HB 554 concurred in as follows:

Yeas: Arthun, Barrett Debby, D. Brown, T. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Webb, Mr. President.
Total 22

Nays: Arntzen, Boulanger, Brenden, Fielder, Thomas, Walker, Wittich.
Total 7

Absent or not voting: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Excused: None.
Total 0

MOTIONS

Senator Jent moved a Call of the Senate pursuant to Senate rule S50-220. More than five members of the Democratic caucus stood to make up the five Senators required by rule.

Senate recessed at 3:30 p.m. Senate reconvened at 4:18 p.m.

Majority Leader Wittich moved that the Senate adjourn until 7:00 a.m., Saturday, April 6, 2013, the

seventy-second legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Augare, Kaufmann.
Total 2

Senate adjourned at 4:18 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 6, 2013 — State Capitol

Senate convened at 7:01 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/6/2013

Correctly engrossed: **HB 120**, **HB 182**, **HB 258**, **HB 396**, **HB 446**.
Signed by the Secretary of the Senate at 6:30 a.m., April 6, 2013: **SR 7**, **SR 30**.

REPORTS OF STANDING COMMITTEES

TAXATION (Tutvedt, Chair): 4/5/2013
SJR 23, do pass. Report adopted.
HB 19, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 4, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Thursday, April 4, 2013, I signed and delivered the following Senate bill to the Secretary of State:

Senate Bill 326 - Malek

Sincerely,

STEVE BULLOCK
Governor

April 5, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Friday, April 5, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 67 – Van Dyk
Senate Bill 76 – Vincent
Senate Bill 103 – Webb
Senate Bill 134 – Brenden
Senate Bill 137 – Olson
Senate Bill 172 – Walker
Senate Bill 189 – Webb
Senate Bill 230 – Wanzenried
Senate Bill 249 – Barrett
Senate Bill 270 – Buttrey
Senate Bill 293 – Tutvedt
Senate Bill 312 – Sonju

I have returned **Senate Bill 128** – Buttrey to the Secretary of State's Office without signature.
I am returning **Senate Bill 105** – Brown and **Senate Bill 139** – Walker with amendments.
I have vetoed **Senate Bill 24** – Rosendale and **Senate Bill 181** – Caferro.

Sincerely,

STEVE BULLOCK
Governor

April 5, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 105** (SB 105), "AN ACT

PROHIBITING THE ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT A PROPOSED USE UNDER CERTAIN CIRCUMSTANCES; PROHIBITING ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT AGRICULTURAL ACTIVITIES; AND AMENDING SECTION 76-2-206, MCA."

Interim zoning is one tool that local governments can use to protect the public health, safety, morals, and general welfare as an emergency measure. Local officials are well suited to balance the competing interests associated with a proposed development in their communities. While local officials must consider and balance the legitimate interests of all property owners, SB 105 unreasonably tips the balance of property rights in favor of persons proposing certain uses subject to regulation by state agencies over those of adjacent landowners.

I propose amendments to SB 105 to accomplish four things.

First, under SB 105, a County would be unable to apply interim zoning to a proposed use that is subject to regulation by a state agency under Title 75 (regulation of air quality, water quality, solid waste, hazardous waste, underground storage tanks, outdoor advertising, junkyards, transmission lines, pipelines, and hydroelectric facilities by the Department of Environmental Quality (DEQ)) and Title 76, chapter 4 (regulation of sanitation in subdivisions by the DEQ). Both of these statutes require a wide variety of land uses to obtain a permit, license, or certificate for only one particular aspect of the proposed use such as an underground storage tank or a billboard. In many instances, no other aspect of these proposed uses are reviewed or considered by the state agency or agencies, such as the potential impacts on local traffic, schools, emergency services, and compatibility with surrounding land uses. These impacts, in some cases, can be prevented only with interim zoning while the county studies these issues and considers the long-term options available to minimize or avoid such impacts to the community. For these reasons, my amendments remove Title 75 and Title 76, chapter 4 from SB 105.

Second, the SB 105 trigger for prohibiting interim zoning against a proposed use occurs upon the simple act of a person submitting an application to the applicable state agency. The stated intent of this trigger is to protect the applicant from investing time and money into obtaining state approval for a proposed use, only to be prohibited from such use with the enactment of interim zoning. However, under most state permitting processes, the submission of the application to a state agency is the point at which public notice of the proposed use is published, and the first time that adjacent landowners are made aware of the proposed use.

To help local governments more reasonably balance the legitimate interests of the public and the applicant for a proposed use, my amendments establish a process by which applicants can voluntarily provide early public notice of their intent to apply to a state agency for a permit, license, or certificate. The local governing body will then have 90 days to consider and enact interim zoning prohibiting, if necessary, concerning the proposed use. If the governing body chooses not to adopt interim zoning during that timeframe, the applicant may then proceed with its application for a proposed use and the county may no longer prohibit such use through interim zoning.

Third, under SB 105, landowners could prohibit a county from adopting interim zoning to regulate or prohibit uses on property for indefinite periods of time. My amendments provide for time limits on this restriction, which will protect the current applicant and proposed use from interim zoning but will provide the county with authority to prohibit other proposed uses of the property in the future.

Fourth, SB 105 would restrict a local government's ability to establish an interim zoning district or regulation that would prevent agricultural activities, "as provided under Title 76, Chapter 2, Part 9 MCA." The referenced statute already protects agricultural activities from governmental zoning and nuisance ordinances, thereby rendering the proposed language of SB 105 superfluous. My amendments remove this language from the bill.

Interim zoning is an important tool that enables counties to carefully evaluate and address the potential impacts to public health, safety, morals and general welfare resulting from an emergency situation. Private landowners also have legitimate interests in seeking state agency approval for a proposed use and protection from prohibitions on that use through interim zoning. My amendments help counties strike a balance between these competing interests.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 105** (reference copy -- salmon) are as follows:

1. Title, line 6 through line 7.
Strike: "PROHIBITING" on line 6 through "ACTIVITIES;" on line 7
Insert: "ALLOWING FOR NOTICE OF INTENT FOR PROPOSED LAND USE;"

2. Page 2, line 13 through line 20.
Strike: line 13 through line 20 in their entirety
Insert: "(4)(a) Before a person submits an application for a permit, license, or certificate for a proposed use of land subject to regulation and approval by a state agency under Title 82, the person may provide the county and state agency with a notice of intent to apply to the relevant state agency or agencies for a permit, license, or certificate for a proposed land use. The notice of intent must contain, at a minimum, the following information:
(i) the person's name and address;
(ii) the legal description and physical address of the tract of record upon which the use is proposed; and
(iii) a description of the proposed use, including the:
(A) type of use;
(B) location of the use on the tract of record;

(C) hours of operation, if applicable;

(D) provision of public services, including water, wastewater, utilities, and fire and emergency services; and

(E) access to the property for the proposed use.

(b) The board of county commissioners shall:

(i) publish notice of receipt of a notice of intent at least twice in a newspaper of general circulation in the locality of the proposed use;

(ii) mail the notice by first-class mail to surface owners of land located within one-half mile of the boundary of the proposed use using the most current known owners of record as shown in the records of the county clerk and recorder in the county where the proposed use is located; and

(iii) post the notice in at least two prominent locations at the site of the proposed use, including near a public road if possible.

(c) If the board of county commissioners does not enact an interim zoning district or interim regulation within 90 days following receipt of the notice of intent, the person may submit an application to the state agency or agencies, and the county may not establish an interim zoning district or interim regulation to prevent the proposed use unless the use as permitted by the state agency or agencies is substantially different from the use proposed in the notice of intent.

(d) If the person does not proceed with an application to the state agency or agencies within 180 days of issuing the notice of intent, the prohibition in subsection (4)(c) no longer applies to the county unless the procedures provided in this section are repeated.

(e) The prohibition on interim zoning provided in subsection (4)(c) applies only to the proposed use as reviewed and approved by the state agency for the term provided for in the permit issued by the state agency.

(5) If the person does not provide the county and state agency with a notice of intent to apply to the relevant state agency or agencies for a permit, license, or certificate for a proposed land use, then nothing in this section prohibits the county from establishing an interim zoning district or interim regulation as provided in this section."

April 5, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 139** (SB 139), "AN ACT REQUIRING THAT A SMALL BUSINESS IMPACT ANALYSIS BE CONDUCTED PRIOR TO THE ADOPTION OF AN ADMINISTRATIVE RULE; DEFINING "SMALL BUSINESS"; AMENDING SECTION 2-4-102, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

SB 139 requires that prior to the adoption of a proposed rule, a state agency determine if the

rule will significantly and directly impact small businesses. The bill was amended during the legislative process to reflect a bipartisan compromise and to meet the interests of both small businesses and state agencies in the rule making process. One of those amendments made clear that the adoption, amendment or repeal of a rule could not be challenged in court on the grounds that an agency's small business analysis was inaccurate or inadequate. My proposed amendment is consistent with the intent of that amendment and clarifies that an agency also could not be sued for making the determination that a rule would not have a direct and significant impact on a small business as required under the bill. My amendment preserves the benefits for small businesses while also ensuring that taxpayer dollars will not be spent defending costly and unnecessary litigation.

I respectfully request your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 139** (reference copy -- salmon) are as follows:

1. Page 1, line 15.
Following: "businesses."
Insert: "An agency determination of whether a small business impact analysis is required under this section is not subject to judicial review."

April 5, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 24** (SB 24), "AN ACT PROVIDING THAT A SAND AND GRAVEL OPERATION MAY NOT BE PROHIBITED THROUGH ZONING UNDER

CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 76-2-209, MCA."

SB 24 unreasonably restricts a county from implementing a zoning ordinance to prevent the impacts of a sand and gravel operation on adjacent landowners. Under SB 24, a county may not implement zoning to prohibit a sand and gravel operation in a previously unzoned area if a sand and gravel operator has submitted a complete application to the Department of Environmental Quality (DEQ) for an operation permit and the county has not yet noticed a hearing on a proposed zoning ordinance. The application review process for completeness is statutorily set at 5 days. In contrast, a county zoning process can take months or years to complete, and involves extensive public input. That process would be brought to a standstill simply by the 5-day application submission.

SB 24 circumvents county zoning even though a DEQ permit has not been issued or operations actually commenced. Although sand and gravel operations may never actually begin, or may be completed and the area reclaimed, the county would nonetheless be permanently restricted from prohibiting sand and gravel operations on the property through zoning.

I have already returned to the legislature SB 23 and SB 105 with amendments. These two bills, with my proposed amendments, ensure that local governments will not misuse interim zoning to unreasonably limit development while maintaining the ability of local governments to respond to emergencies involving the public health, safety, morals or general welfare. Further, with regard to permanent zoning, the existing statute prohibits counties from preventing the complete use, development, or recovery of any mineral, forest, or agricultural resources through the use of county zoning, except in residentially zoned areas. Senate Bill 24 unreasonably restricts the role of county governments in permanently managing community growth and is unnecessary in light of current statute and Senate Bills 23 and 105, as amended.

For the foregoing reasons, I respectfully ask you to sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

April 5,2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana I hereby **veto Senate Bill 181** (SB 181) "AN ACT EXEMPTING A HEALTH CARE SHARING MINISTRY FROM REGULATION AS AN INSURANCE COMPANY, AND AMENDING SECTION 33-1-102, MCA."

Senate Bill 181 puts Montana consumers at risk by creating a loophole in the insurance code for any entity calling itself a "health care sharing ministry."

This is a problem Montana has seen before. In 2007, a case was presented in the First Judicial District of Montana, in which a minister had a serious heart condition that required extensive medical treatment. His health care sharing ministry refused to pay, claiming the individual had an undisclosed preexisting condition. The evidence presented in the case made it clear and the court ruled that the ministry was essentially an insurance company operating without a license. This effectively removes the protection that keeps health care sharing ministries from acting like unregulated insurance companies.

By exempting these ministries from the same regulations governing other insurers, SB 181 opens the door to fraud and abuse. The bill does not prevent health care sharing ministries from operating in Montana so long as they do so in compliance with the same laws governing other insurers. If enacted, it would distort the charitable purpose of health care sharing ministries and leave Montanans vulnerable.

Because SB 181 is unnecessary and creates a loop hole in the insurance code which puts consumers at risk, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/5/2013

SB 43, introduced by Wittich
SB 154, introduced by Vincent

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/4/2013

SB 94, introduced by D. Brown
SB 112, introduced by Blewett

SB 127, introduced by Buttrey
SB 144, introduced by Sesso
SB 183, introduced by Arntzen
SB 215, introduced by F. Moore
SB 217, introduced by Hamlett
SB 242, introduced by Sesso
SB 250, introduced by Debby Barrett

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2013

SB 31, introduced by Debby Barrett
SB 223, introduced by Caferro
SB 269, introduced by Walker
SB 305, introduced by Peterson
SB 323, introduced by Thomas
SB 324, introduced by Rosendale
SB 335, introduced by Hamlett

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2013

SJR 18, introduced by Thomas

Senate bill not concurred in and returned to the Senate: 4/5/2013

SB 288, introduced by Vincent

HB 589, introduced by Jacobson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/5/2013

Yeas - 52
Nays - 47

HB 619, introduced by Warburton, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/5/2013

Yeas - 53
Nays - 47

HB 631, introduced by Fitzpatrick, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/5/2013

Yeas - 58
Nays - 42

House bills passed and transmitted to the Senate for concurrence: 4/4/2013

HB 230, introduced by Reichner
HB 393, introduced by Hoven
HB 408, introduced by Miller
HB 591, introduced by Osmundson
HB 603, introduced by Zolnikov
HB 614, introduced by Berry
HB 623, introduced by Bangerter

House bills passed and transmitted to the Senate for concurrence: 4/5/2013

HB 213, introduced by Fitzpatrick
HB 423, introduced by C. Smith
HB 443, introduced by Cook
HB 496, introduced by Howard
HB 521, introduced by G. Bennett
HB 581, introduced by Hansen
HB 634, introduced by Wagoner
HB 635, introduced by Shaw
HB 637, introduced by Schwaderer

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 60, introduced by T. Brown (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Agriculture, Livestock and Irrigation.
SR 61, introduced by Arntzen (by request of the Senate Highways and Transportation Standing Committee), referred to Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 230, introduced by Reichner, G. Bennett, Blasdel, Brodehl, Cuffe, Glimm, Hertz, Lavin, Regier, Sales, Salomon, C. Smith, Vance, referred to Taxation.
HB 393, introduced by Hoven, referred to Taxation.
HB 408, introduced by Miller, Ankney, Blasdel, Fitzpatrick, Hagan, D. Jones, Kary, Lang, Lenz, Rosendale, C. Smith, Zolnikov, referred to Taxation.
HB 591, introduced by Osmundson, referred to Agriculture, Livestock and Irrigation.

HB 603, introduced by Zolnikov, referred to Judiciary.
HB 614, introduced by Berry, Reichner, referred to Business, Labor, and Economic Affairs.
HB 623, introduced by Bangerter, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sales in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 61 - Senator Jergeson moved **HB 61** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Barrett Debby, Brenden, Moore, Ripley, Rosendale, Vuckovich, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Vote represents a change on motion the following legislative day.

HB 100 - Senator Priest moved **HB 100** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 35

Nays: Augare, Barrett Dick, Blewett, Facey, Jergeson, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 188 - Senator Walker moved consideration of **HB 188** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 171 - Senator Wittich moved **HB 171** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 233 - Senator Jent moved **HB 233** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Murphy, Sales, Vincent, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 239 - Senator Murphy moved **HB 239** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258 - Senator Tutvedt moved **HB 258** be concurred in.

HB 258 - Senator Fielder moved **HB 258**, second reading copy, be amended as follows:

1. Page 2, line 19.
Strike: "OR"
Insert: "and, if the county has an active website,"
Strike: "2"
Insert: "6"

2. Page 3, line 28.
Strike: "OR"
Insert: "and, if the municipality has an active website,"
Strike: "2"
Insert: "6"

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Arntzen, T. Brown.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258 - Senator Tutvedt moved **HB 258**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Arntzen, T. Brown.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 286 - Senator Thomas moved **HB 286** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 34

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Priest, Ripley, Rosendale, Sonju, Tutvedt, Vincent, Webb, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 301 - Senator Facey moved **HB 301** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 44

Nays: Fielder, Keane, Priest, Walker, Webb, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Boulanger excused at this time.

HB 310 - Senator Wittich moved **HB 310** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 37

Nays: Augare, Barrett Dick, Blewett, Facey, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Boulanger.
Total 1

Senator Boulanger present at this time.

HB 431 - Senator Walker moved **HB 431** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 45

Nays: Hamlett, Olson, Priest, Ripley, Sonju.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 450 - Senator Wittich moved **HB 450** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, D. Brown, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Blewett expressed a conflict of interest before voting on **HB 450**.

HB 464 - Senator Facey moved **HB 464** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Arthun, D. Brown, Fielder, Jackson, Moore, Sales, Vincent, Walker, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 - Senator Thomas moved **HB 473** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 544 - Senator Thomas moved **HB 544** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 28

Nays: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 547 - Senator Fielder moved **HB 547** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 25

Nays: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 547 - Senator Wittich moved **HB 547** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 37

Nays: Arntzen, Barrett Debby, D. Brown, T. Brown, Fielder, Hamlett, Jackson, Olson, Sales, Sonju, Vincent, Walker, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 188 - Senator Walker moved **HB 188** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, D. Brown, T. Brown, Driscoll, Fielder, Jackson, Keane, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Mr. President.
Total 28

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Buttrey, Caferro, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Vote represents a change on motion the following legislative day.

Senator Wittich moved the committee **rise and report and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 39

Nays: Augare, Blewett, Jones, Kaufmann, Malek, Phillips, Sonju, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the pages for their service during the past week.

Senator Sesso rose upon the privilege of the Senate.

Senator Wittich rose upon a point of personal privilege.

President Essmann announced the Senate would recess while staff prepared for an additional second-reading agenda. The Senate recessed at 9:27 a.m.

Senate reconvened at 9:39 a.m.

Roll Call. All members present. Quorum present.

MOTIONS

Senator Hamlett moved to change his vote on **HB 239** from Yes to No. Without objection, so ordered.

Senator Vincent moved to reconsider yesterday's third-reading action on **SB 401** and that **SB 401** be placed on third reading Monday, April 8, 2013, the seventy-third legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Hamlett, Jackson, Jones, Murphy, Olson, Peterson, Priest, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Brenden, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Phillips excused at this time.

HB 182 - Senator Lewis moved **HB 182** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Jent, Jergeson, Kaufmann, Keane, Malek,

Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 477 - Senator Olson moved **HB 477** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: Augare, Blewett, Boulanger, Driscoll, Keane, Larsen, Malek, Stewart-Peregoy, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Phillips.
Total 1

HB 396 - Senator Ripley moved consideration of **HB 396** be placed at the bottom of the second reading board. Without objection, so ordered.

Senator Phillips present at this time.

HB 157 - Senator Wanzenried moved **HB 157** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Augare, Blewett, Keane, Sesso, Stewart-Peregoy.
Total 5

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 442 - Senator Sonju moved **HB 442** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Augare, Barrett Dick, Blewett, Jent, Jergeson, Kaufmann, Malek, Stewart-Peregoy, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 - Senator Rosendale moved **HB 494** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 45

Nays: Augare, Blewett, Kaufmann, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 208 - Senator Fielder moved **HB 208** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Hamlett, Jackson, Jones, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 5 - Senator Fielder moved **HJR 5** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 5 - Senator Wittich moved **HJR 5** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 35

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, T. Brown, Fielder, Jackson, Murphy, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120 - Senator Jent moved consideration of **HB 120** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 345 - Senator Jent moved **HB 345** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 433 - Senator Jent moved **HB 433** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Windy Boy excused at this time.

HB 497 - Senator Fielder moved **HB 497** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Kaufmann, Keane, Larsen, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Windy Boy present at this time.

HB 446 - Senator Boulanger moved **HB 446** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jergeson excused at this time.

HB 499 - Senator Rosendale moved **HB 499** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jergeson.
Total 1

Senator Jergeson present at this time.

HB 281 - Senator Thomas moved **HB 281** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 30 - Senator D. Brown moved **HB 30** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson,

Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 410 - Senator Webb moved **HB 410** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 265 - Senator Arthun moved **HB 265** be concurred in. Motion carried as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 560 - Senator Van Dyk moved **HB 560** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Boulanger, Brenden, Fielder, Moore, Webb.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 396 - Senator Ripley moved **HB 396** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Brenden rose on a point of order. Senator Van Dyk responded to Senator Brenden.

HB 120 - Senator Jent moved **HB 120** be concurred in.

HB 120 - Senator Priest moved **HB 120**, second reading copy, be amended as follows:

1. Page 24, line 15.
Strike: "BY" through "DAY"
Insert: "within the time period specified in 13-13-211(2)"

2. Page 24, line 20 through line 23.
Strike: subsection (d) in its entirety

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120 - Senator Jent moved **HB 120**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Sesso, Thomas, Tropila, Tutvedt, Vuckovich, Wanzenried, Wittich.
Total 29

Nays: Arntzen, Augare, Barrett Debby, Brenden, D. Brown, Driscoll, Jackson, Moore, Olson, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Van Dyk, Vincent, Walker, Webb, Windy Boy, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

President Essmann rose on a point of personal privilege.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 39

Nays: Augare, Blewett, Caferro, Kaufmann, Keane, Malek, Sesso, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Monday, April 8, 2013, the seventy-third legislative day. Motion carried.

Senate adjourned at 12:28 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 8, 2013 — State Capitol

Senate convened at 1:03 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/8/2013

Correctly printed: **SJR 23**, **HB 19**, **HB 30**, **HB 61**, **HB 100**, **HB 157**, **HB 171**, **HB 188**, **HB 208**, **HB 233**, **HB 239**, **HB 265**, **HB 281**, **HB 286**, **HB 301**, **HB 310**, **HB 336**, **HB 345**, **HB 410**, **HB 431**, **HB 433**, **HB 442**, **HB 450**, **HB 464**, **HB 473**, **HB 477**, **HB 494**, **HB 497**, **HB 499**, **HB 544**, **HB 560**.
Correctly engrossed: **HB 478**.
Correctly enrolled: **SB 43**, **SB 154**, **SB 346**.
Transmitted to the House: **SB 401**, **HB 30**, **HB 61**, **HB 100**, **HB 120**, **HB 157**, **HB 171**, **HB 182**, **HB 188**, **HB 233**, **HB 239**, **HB 258**, **HB 265**, **HB 281**, **HB 286**, **HB 301**, **HB 310**, **HB 345**, **HB 396**, **HB 410**, **HB 431**, **HB 433**, **HB 442**, **HB 446**, **HB 450**, **HB 464**, **HB 473**, **HB 477**, **HB 494**, **HB 497**, **HB 499**, **HB 544**, **HB 560**.

COMMUNICATIONS AND PETITIONS

Senator Moore rose on a point of personal privilege with a remembrance of former British Prime Minister Margaret Thatcher who died earlier today.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 4/4/2013
HB 478, be amended as follows:

1. Title, page 1, line 7 through line 10.
Strike: line 7 through "APPROPRIATION;" on line 9
Strike: "17-7-502, " on line 10

2. Page 1, line 16 through page 2, line 24.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 5, line 15.

Strike: "4"
Insert: "3"

4. Page 8, line 28 through page 11, line 4.
Strike: section 9 through section 11 in their entirety
Renumber: subsequent sections

5. Page 11, line 11.
Strike: "4"
Insert: "3"
Strike: "5"
Insert: "4"

6. Page 13, line 3.
Strike: "4"
Insert: "3"

7. Page 13, line 5.
Strike: "5"
Insert: "4"

8. Page 15, line 7.
Strike: "4"
Insert: "3"
Strike: "5"
Insert: "4"

9. Page 16, line 4.
Strike: "4"
Insert: "3"

10. Page 16, line 5.
Strike: "5"
Insert: "4"

11. Page 17, line 25.
Strike: "4"
Insert: "3"
Strike: "5"
Insert: "4"

12. Page 18, line 9.
Strike: "4"
Insert: "3"
Strike: "5"

Insert: "4"

13. Page 18, line 17.
Strike: "4"
Insert: "3"
Strike: "5"
Insert: "4"

14. Page 20, line 5.
Strike: "4"
Insert: "3"
Strike: "5"
Insert: "4"

15. Page 20, line 25.
Strike: "4"
Insert: "3"
Strike: "5"
Insert: "4"

16. Page 22, line 19.
Strike: "4"
Insert: "3"
Strike: "5"
Insert: "4"

17. Page 23, line 16.
Strike: "4"
Insert: "3"

18. Page 23, line 17.
Strike: "5"
Insert: "4"

19. Page 24, line 7.
Strike: "4"
Insert: "3"
Strike: "5"
Insert: "4"

20. Page 24, line 27.
Strike: "4" through "11"
Insert: "3 and 4"

21. Page 24, line 29.

Strike: "4" through "11"
Insert: "3 and 4"

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Larsen rose on a point of personal privilege.

Senator Larsen moved to change his second-reading vote on **HB 188** from Yes to No. Without objection, so ordered. (Vote change reflected in journal for previous legislative day.)

Senator Wittich announced the final committee report on **HB 478** contained an error and moved that **HB 478** be removed from today's agenda and rescheduled once a correct committee report is produced. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 30, introduced by Tutvedt, referred to Taxation.
SJR 31, introduced by Phillips, referred to Natural Resources.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 62, introduced by Arntzen (by request of the Senate Highways and Transportation Standing Committee), referred to Highways and Transportation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senator Jent excused at this time.

HB 61 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Webb, Mr. President.
Total 40

Nays: Barrett Debby, Brenden, Moore, Ripley, Rosendale, Taylor, Vuckovich, Windy Boy, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

HB 100 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Barrett Dick, Blewett, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: Jent.
Total 1

Senator Jent present at this time.

HB 171 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 188 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Keane, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Peterson, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 233 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Murphy, Sales, Vincent, Walker.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 239 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 258 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 44

Nays: Arntzen, D. Brown, T. Brown, Sales, Sonju, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 286 concurred in as follows:

Yeas: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 28

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 301 concurred in as follows:

Yeas: Arntzen, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Arthun, Augare, Boulanger, D. Brown, Fielder, Jackson, Keane, Priest, Sales, Sonju, Vincent, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 310 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 38

Nays: Augare, Barrett Dick, Blewett, Kaufmann, Larsen, Malek, Phillips, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 431 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Arthun, Driscoll, Hamlett, Olson, Priest, Ripley, Rosendale, Sonju, Walker, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 450 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, D. Brown, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 464 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: D. Brown, Moore, Sales, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 544 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Hamlett, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 182 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried.

Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 477 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 41

Nays: Augare, Blewett, Driscoll, Keane, Larsen, Stewart-Peregoy, Van Dyk, Wanzenried, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 396 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 157 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 45

Nays: Augare, Blewett, Keane, Stewart-Peregoy, Windy Boy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 442 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Augare, Barrett Dick, Blewett, D. Brown, Jent, Kaufmann, Malek, Stewart-Peregoy, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 494 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Caferro, Kaufmann, Malek, Stewart-Peregoy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 208 failed (due to 2/3 vote requirement) as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Moore, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 345 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 433 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Kaufmann.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 497 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 33

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 446 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 499 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sales, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 41

Nays: Brenden, Keane, Larsen, Malek, Phillips, Ripley, Sesso, Sonju, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 281 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 30 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder,

Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 410 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Murphy, Peterson, Priest, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Wittich, Mr. President.
Total 26

Nays: Arntzen, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, Driscoll, Jackson, Keane, Larsen, Moore, Olson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Vincent, Walker, Webb, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 265 concurred in as follows:

Yeas: Arthun, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Arntzen, Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 560 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 41

Nays: Boulanger, Brenden, Fielder, Moore, Ripley, Sales, Sonju, Vincent, Windy Boy.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 401 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey,

Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sonju, Taylor, Thomas, Tropila, Vincent, Walker, Wanzenried.
Total 32

Nays: Augare, Blewett, Brenden, Driscoll, Kaufmann, Keane, Moore, Ripley, Sales, Sesso, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator T. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Peterson excused at this time.

HB 344 - Senator F. Moore moved **HB 344** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 415 - Senator Facey moved **HB 415** be concurred in. Motion **failed** as follows:

Yeas: Barrett Dick, T. Brown, Buttrey, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Phillips, Ripley, Sesso, Tropila, Tutvedt, Van Dyk, Wanzenried.
Total 19

Nays: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, Caferro, Driscoll, Fielder, Keane, Lewis, Moore, Murphy, Olson, Priest, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 415 - Senator Wittich moved **HB 415** be **indefinitely postponed**. Motion carried as follows:

Yeas: Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 25

Nays: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 24

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 259 - Senator Arntzen moved **HB 259** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Ripley, Sales.

Total 2

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

SJR 24 - Senator Buttrey moved **SJR 24** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Fielder, Vincent.
Total 2

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HJR 14 - Senator Windy Boy moved **HJR 14** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 44

Nays: Boulanger, Facey, Sonju, Walker, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 9 - Senator Ripley moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Nays: Arthun, Boulanger, Fielder, Jackson, Moore, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 97 - Senator Walker moved consideration of **HB 97** be placed at the bottom of the second reading board for the purpose of amendment. Without objection, so ordered.

HB 336 - Senator Olson moved **HB 336** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 147 - Senator Thomas moved **HB 147** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Blewett, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 522 - Senator Rosendale moved **HB 522** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 37

Nays: Augare, Buttrey, Caferro, Facey, Keane, Malek, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 12

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 403 - Senator Murphy moved **HB 403** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 47

Nays: Moore, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

SJR 22 - Senator Jent moved **SJR 22** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Priest, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 37

Nays: Boulanger, Brenden, Fielder, Jackson, Moore, Ripley, Rosendale, Sales, Sonju, Vincent, Webb, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 546 - Senator Buttrey moved **HB 546** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 42

Nays: Barrett Debby, Fielder, Moore, Priest, Sales, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 524 - Senator Buttrey moved **HB 524** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Mr. President.
Total 36

Nays: Barrett Debby, D. Brown, Fielder, Jergeson, Moore, Murphy, Sales, Stewart-Peregoy,

Tropila, Walker, Wanzenried, Windy Boy, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 78 - Senator Webb moved **HB 78** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 95 - Senator Blewett moved **HB 95** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Boulanger, Moore, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 122 - Senator Jent moved **HB 122** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 39

Nays: Boulanger, Brenden, Fielder, Moore, Priest, Ripley, Sales, Taylor, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 448 - Senator D. Brown moved **HB 448** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 461 - Senator Arthun moved **HB 461** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 39

Nays: Boulanger, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 552 - Senator Blewett moved **HB 552** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Sales, Taylor.
Total 2

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

HB 97 - Senator Walker moved **HB 97** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Tropila, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair T. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Wanzenried.
Total 1

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

MOTIONS

Senator Facey moved to reconsider indefinite postponement of **HB 415**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 26

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

Senator Facey moved that **HB 415** be placed on second reading at the President's convenience. Without objection, so ordered.

Senator Vuckovich moved to change his second-reading vote on **HB 61** from Yes to No.

Without objection, so ordered. (Vote change reflected in journal for previous legislative day.)

Senator Dick Barrett moved to change his third-reading vote on **HB 30** from Yes to No. Without objection, so ordered.

Senator Sonju moved to change his second-reading vote on **HB 522** from No to Yes. Without objection, so ordered.

UNFINISHED BUSINESS

As provided in Senate rule S50-230, President Essmann re-referred the following Senate bills to committees for consideration of House amendments:

SB 215, sponsored by Senator Moore, to Agriculture, Livestock and Irrigation
SB 335, sponsored by Senator Hamlett, to Natural Resources

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the Pages for the week of April 8 through April 13, 2013:

Bryce Hugs, III, Pryor, sponsored by Senator Stewart-Peregoy
Callie Roberts, Hamilton, sponsored by Senator Boulanger
Dustin Romain, Chester, sponsored by Senator Jones
Marisa Sokoloski, Wibaux, sponsored by Senator Rosendale
Jessica Stenson, Wibaux, sponsored by Senator Rosendale
Kenji Swain, Helena, sponsored by Senator Caferro

SR 22 - Senator Arthun moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 22**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Peterson.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich rose on a point of personal privilege.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Tuesday, April 9, 2013, the seventy-fourth legislative day. Motion carried.

Senate adjourned at 3:00 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

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SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 9, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Senator Taylor Brown introduced Landen Phillips to members of the Senate and read the following joint proclamation of the Montana Legislature:

A JOINT PROCLAMATION OF THE MONTANA LEGISLATURE

Commending Landen Phillips, a five-year-old Billings boy who has been treated at Shodair Children's Hospital, and whose enthusiasm, determination, and spirit has sustained him and his family through significant health challenges resulting from two rare genetic conditions.

Whereas Children's Miracle Network Hospitals, the international alliance of premier children's hospitals in the United States and abroad, spotlights the heroic battles of children like Landen with varied illnesses and health challenges.

Whereas Landen Phillips will represent Montana in the Children's Miracle Network Hospitals program honoring remarkable children who have encountered severe medical conditions and have endured to inspire others.

Whereas Landen Phillips has a rare genetic condition, experienced by less than 100 people worldwide, yet ever rarer is his determination and indomitable spirit to live as an active and vibrant 5-year-old Montanan despite his health challenges.

Whereas, Landen has been selected for his courage, tenacity, and perseverance as the sole representative of children's genetic conditions in the state of Montana, and an ambassador for the 18 million children treated each year at Children's Miracle Network hospitals.

Now, therefore be it resolved by the 63rd Montana Legislature that the members of this body honor Landen Phillips for his spirit and inspiration in the face of significant medical challenges, and convey to him their sincere wishes for safe travel and memorable experiences during his year as Montana's Champion.

Signed April 9, 2013, by Senate President Jeff Essmann, Senate Minority Leader Jon Sesso, House Speaker Mark Blasdel, and House Minority Leader Chuck Hunter.

BILLS AND JOURNALS (Buttrey, Chair): 4/9/2013

Correctly printed: **SJR 22**, **SJR 24**, **SJR 30**, **SJR 31**, **SR 62**, **HB 9**, **HB 78**, **HB 95**, **HB 97**, **HB 122**, **HB 147**, **HB 259**, **HB 336**, **HB 344**, **HB 403**, **HB 461**, **HB 524**, **HB 546**.
Correctly engrossed: **HB 448**, **HB 522**, **HB 552**, **HB 583**, **HJR 14**.
Correctly enrolled: **SB 88**, **SB 106**, **SB 147**, **SB 149**, **SB 161**, **SB 182**, **SB 199**, **SB 207**, **SB 209**, **SB 245**, **SB 251**, **SB 258**, **SB 271**, **SB 278**, **SB 290**, **SB 292**, **SB 306**, **SB 340**, **SB 344**, **SB 345**, **SB 351**, **SB 361**, **SB 364**, **SB 366**, **SJR 11**, **SJR 13**, **SR 22**.
Examined by the sponsor and found to be correct: **SB 43**, **SB 88**, **SB 149**, **SB 154**, **SB 258**, **SB 346**.
Signed by the President at 10:25 a.m., April 9, 2013: **SR 7**, **SR 30**.
Delivered to the Secretary of State at 11:04 a.m., April 9, 2013: **SR 7**, **SR 30**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Murphy, Chair): 4/9/2013
SR 34, be adopted. Report adopted.

LOCAL GOVERNMENT (Buttrey, Chair): 4/8/2013
HB 605, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/8/2013
HB 583, be amended as follows:

1. Page 2, line 6.
Strike: "five"
Insert: "six"

2. Page 2, line 10.
Strike: "and"

3. Page 2, line 12.
Following: "chapter 23"
Insert: "; and
(iv) one member of the clergy as defined in 15-6-201"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/8/2013

SB 88, introduced by Dick Barrett

SB 106, introduced by Jergeson
SB 147, introduced by Buttrey
SB 149, introduced by Thomas
SB 161, introduced by Tropila
SB 182, introduced by Sonju
SB 199, introduced by Thomas
SB 207, introduced by Van Dyk
SB 209, introduced by Arthun
SB 245, introduced by Arthun
SB 251, introduced by Wittich
SB 258, introduced by Wittich
SB 271, introduced by Thomas
SB 278, introduced by Peterson
SB 290, introduced by Arntzen
SB 292, introduced by Tutvedt
SB 306, introduced by Olson
SB 340, introduced by Brenden
SB 344, introduced by Vincent
SB 345, introduced by Vincent
SB 351, introduced by Olson
SB 361, introduced by Tutvedt
SB 364, introduced by Vincent
SB 366, introduced by Arthun

Senate joint resolutions concurred in and returned to the Senate: 4/8/2013

SJR 11, introduced by D. Brown
SJR 13, introduced by T. Brown

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/8/2013

SB 160, introduced by Tropila
SB 198, introduced by Thomas
SB 256, introduced by F. Moore
SB 275, introduced by Buttrey
SB 297, introduced by Arntzen
SB 325, introduced by Olson
SB 336, introduced by Hamlett
SB 337, introduced by Hamlett
SB 347, introduced by Vincent

Senate bills not concurred in and returned to the Senate: 4/8/2013

SB 299, introduced by F. Moore
SB 372, introduced by Boulanger

HB 206 - The House failed to concur in Senate amendments to **HB 206,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 206:**

4/8/2013

Representative Flynn, Vice Chair
Representative Fitzpatrick
Representative Gursky

HB 297 - The House failed to concur in Senate amendments to **HB 297,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 297:**

4/8/2013

Representative Howard, Vice Chair
Representative Eck
Representative Lenz

MOTIONS

HB 573 - Senator Buttrey moved consideration of **HB 573** be passed for the day and that **HB 573** be brought before the Committee of the Whole on April 11, 2013, legislative day seventy-six. Without objection, so ordered.

HB 205 - Senator Wittich moved consideration of **HB 205** be passed for the day. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 63, introduced by Rosendale, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 213, introduced by Fitzpatrick, Blasdel, O'Hara, Vance, Welborn, referred to Taxation.
HB 423, introduced by C. Smith, Ballance, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Galt, Glimm, Hagstrom, Halvorson, Hansen, Hertz, Ingraham, D. Jones, Kary, Knudsen, Lang, Lenz, Miller, O'Hara, Osmundson, Priest, Randall, Redfield, Regier, Salomon, Shaw, Taylor, Vance, Wagoner, Walker, Washburn, White, Wittich, referred to Public Health, Welfare and Safety.
HB 443, introduced by Cook, Zolnikov, referred to Taxation.

HB 496, introduced by Howard, Brodehl, Ehli, Harris, Kary, Knudsen, Lenz, Redfield, Reichner, C. Smith, Washburn, White, referred to State Administration.
HB 521, introduced by G. Bennett, Blasdel, Blyton, Greef, Halvorson, Hansen, Howard, Knudsen, Laszloffy, Lenz, Regier, C. Smith, Vance, referred to Judiciary.
HB 581, introduced by Hansen, G. Bennett, referred to Taxation.
HB 589, introduced by Jacobson, referred to Taxation.
HB 619, introduced by Warburton, Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Ehli, Fitzpatrick, Galt, Hagstrom, Halvorson, Hansen, Harris, Howard, Ingraham, Lang, Lavin, McNiven, O'Hara, Osmundson, Priest, Randall, Reichner, Schwaderer, Shaw, C. Smith, Thomas, Vuckovich, Walker, Windy Boy, referred to Judiciary.
HB 631, introduced by Fitzpatrick, Kerns, Lavin, referred to Judiciary.
HB 634, introduced by Wagoner, referred to Local Government.
HB 635, introduced by Shaw, referred to Taxation.
HB 637, introduced by Schwaderer, B. Bennett, Coffin, Hertz, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 118 - Senator Facey moved **HB 118** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 133 - Senator Facey moved **HB 133** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 37

Nays: Boulanger, Fielder, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 545 - Senator D. Brown moved **HB 545** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Ripley, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 392 - Senator Rosendale moved **HB 392** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Mr. President.
Total 34

Nays: Augare, Blewett, D. Brown, Caferro, Driscoll, Jent, Kaufmann, Keane, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 564 - Senator Walker moved **HB 564** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 16 - Senator Murphy moved **HJR 16** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 41

Nays: Barrett Debby, Boulanger, Ripley, Rosendale, Sales, Tropila, Vincent, Webb, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145 - Senator Jackson moved **HB 145** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 54 - Senator Arthun moved **HB 54** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 38

Nays: Boulanger, Fielder, Moore, Priest, Sales, Sonju, Tropila, Vincent, Walker, Webb, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 17 - Senator Sales moved **HJR 17** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 46

Nays: Caferro, Tropila, Wanzenried, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 19 - Senator Thomas moved **HB 19** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 23 - Senator Tutvedt moved **SJR 23** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 45

Nays: Caferro, Kaufmann, Sales, Wanzenried, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 391 - Senator Murphy moved **HB 391** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Facey, Kaufmann, Keane, Malek, Phillips, Sesso, Wanzenried.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 344 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 259 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Ripley.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 24 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 14 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Boulanger, Facey, Keane, Sales.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 9 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 35

Nays: Arthun, Boulanger, Fielder, Moore, Olson, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 97 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Arntzen, Jackson, Tropila, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 336 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 147 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 43

Nays: Augare, Blewett, Jent, Kaufmann, Malek, Stewart-Peregoy, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 522 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 43

Nays: Buttrey, Facey, Keane, Malek, Tropila, Van Dyk, Windy Boy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 403 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 44

Nays: Arntzen, Moore, Ripley, Sales, Sonju, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 22 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 36

Nays: Barrett Debby, Boulanger, Brenden, Fielder, Moore, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Webb, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 546 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 42

Nays: Fielder, Moore, Priest, Sales, Vincent, Walker, Wittich, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 524 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Webb, Mr. President.
Total 38

Nays: D. Brown, Jackson, Jergeson, Moore, Murphy, Sales, Stewart-Peregoy, Tropila, Walker, Wanzenried, Windy Boy, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 78 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 95 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Arntzen, Moore, Walker, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 122 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 38

Nays: Arntzen, Boulanger, Brenden, Fielder, Moore, Priest, Sales, Sonju, Taylor, Vincent, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 448 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 461 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso,

Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 39

Nays: Arntzen, Boulanger, Jackson, Priest, Rosendale, Sales, Sonju, Vincent, Walker, Webb, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 552 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 41

Nays: Boulanger, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 64, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.
SR 65, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.
SR 66, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

MOTIONS

Senator Ripley moved **HB 19** be re-referred to the Finance and Claims committee. Without objection, so ordered.

Senator Priest moved to change his third-reading vote on **HB 259** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, April 10, 2013, the seventy-fifth legislative day. Motion carried.

Senate adjourned at 2:45 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 10, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/10/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-first through sixty-fifth legislative days, find the same to be correct.

Correctly printed: **SJR 23**, **SR 34**, **SR 63**, **SR 64**, **SR 65**, **SR 66**, **HB 54**, **HB 118**, **HB 133**, **HB 145**, **HB 545**, **HB 605**, **HJR 16**.
Correctly engrossed: **HB 4**, **HB 10**, **HB 11**, **HB 363**, **HB 391**, **HB 392**, **HB 444**, **HB 533**, **HB 564**, **HB 580**, **HB 582**, **HJR 17**.
Examined by the sponsor and found to be correct: **SB 106**, **SB 147**, **SB 161**, **SB 182**, **SB 199**, **SB 207**, **SB 209**, **SB 245**, **SB 251**, **SB 271**, **SB 278**, **SB 290**, **SB 292**, **SB 306**, **SB 340**, **SB 344**, **SB 345**, **SB 351**, **SB 361**, **SB 364**, **SB 366**, **SJR 11**, **SJR 13**, **SR 22**.
Transmitted to the House: **SJR 22**, **SJR 24**, **HB 9**, **HB 78**, **HB 95**, **HB 97**, **HB 122**, **HB 147**, **HB 259**, **HB 336**, **HB 344**, **HB 403**, **HB 448**, **HB 461**, **HB 522**, **HB 524**, **HB 546**, **HB 552**, **HJR 14**.
Signed by the Secretary of the Senate at 9:00 a.m., April 10, 2013: **SB 43**, **SB 88**, **SB 149**, **SB 258**.
Signed by the President at 8:43 a.m., April 10, 2013: **SB 43**, **SB 88**, **SB 149**, **SB 258**.

COMMUNICATIONS AND PETITIONS

April 10, 2013

Members of the Senate:

It has come to my attention as President of the Senate that the decorum of this body has deteriorated. During the floor session of April 5th, 2013, members of the minority party began pounding on their desks, in order to direct the President's attention to a speaker. This unfortunately has become a practice that is occurring with increasing frequency. Some members of the minority party also encouraged the gallery disruption. The resulting disturbance on the floor and in the gallery was unbecoming of the dignity of the Senate. I spoke to Senator Sesso at length about this and we agreed to the following:

I. The minority acknowledges its role in the disruption of the decorum of the Senate on April 5th, and I have been assured by Senator Sesso that this will not happen again.

II. It is hereby agreed between the President of the Senate and the Minority Leader that the practice of pounding on the desk to gain recognition is prohibited.

III. The proper procedure for gaining the recognition of the presiding officer is to stand, with microphone in hand; the clerk shall activate the microphone; the member shall speak up audibly (with or without amplification).

IV. The member shall remain standing until recognition is gained from the presiding officer.

V. Furthermore, Chairs on second reading are instructed to gavel down the disruptive conversation of members who are talking in the chamber, which continues to make it difficult for all to hear the Senator who is speaking. If a member on the floor is having difficulty hearing the debate or motion on the floor due to side conversation or other noise, the proper procedure is to audibly call on the chair to restore order.

Signed:
Jeff Essmann, President of the Senate

Signed:
Jon Sesso, Senate Minority Leader

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/10/2013
HB 363, be amended as follows:

1. Title, page 1, lines 5 through 9.
Strike: "PROVIDING" on line 5 through "APPROPRIATION;" on line 9

2. Title, page 1, lines 10 through 12.
Strike: "EXEMPTING" on line 10 through "AUTHORITY;" on line 12

3. Title, page 1, lines 12 through 15.
Strike: ", 2-18-103," on line 12 through "37-51-208," on line 13
Insert: "AND"
Strike: "37-51-302," on line 13 through "37-53-302," on line 14

4. Page 1, line 30.
Strike: "the"
Insert: "administrative"
Following: "purposes"
Insert: "only as prescribed in 2-15-121, except that the provisions of 2-15-121(2)(d) and (3)(a) do not apply and the board"

5. Page 2, lines 1 through 5.
Strike: "of planning" on line 1 through "and" on line 5

6. Page 2, line 8 through page 14, line 14.
Strike: sections 2 through 14 in their entirety
Renumber: subsequent sections

7. Page 14, line 17.
Following: "**duties**"
Insert: "**-- one-time fee**"

8. Page 14, line 19.
Following: "hire"
Insert: "or contract for"
Following: "counsel"
Insert: "in consultation with the department"

9. Page 14, line 21.
Following: "hire"
Insert: "or contract with"

10. Page 14, lines 23 through 26.
Following: "employees"
Insert: ". The board may, at its discretion, hire a consultant and establish a one-time fee to pay for that consultant. The consultant shall work with the department to determine how the board's paid staff interacts with department staff."
Strike: "for the purposes" on line 23 through "and 71." on line 26

11. Page 14, line 28 through page 21, line 28.
Strike: sections 16 through 28 in their entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 582, be amended as follows:

1. Title, page 1, line 5 through line 9.
Following: "BOARD" on line 5
Insert: "MAY HIRE ITS OWN STAFF;"
Strike: "IS ALLOCATED" on line 5 through "AUTHORITY;" on line 9

2. Title, page 1, lines 10 through 11.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "2-18-103" on line 10 through "37-50-315," on line 11

3. Page 2, line 3 through line 8.
Strike: "the purposes" on line 3 through "2-15-121(1)(a), and" on line 8
Insert: "administrative purposes only as prescribed in 2-15-121, except that the provisions of 2-15-121(2)(d) and (3)(a) do not apply and the board"
Following: "staff"
Insert: "following consultation with the department"

4. Page 2, line 10 through page 8, line 9.
Strike: sections 2 through 10 in their entirety
Renumber: subsequent sections

5. Page 8, line 11.
Following: "**duties**"
Insert: "**-- one-time fee**"

6. Page 8, line 13.
Following: "hire"
Insert: "or contract with"

7. Page 8, line 15.
Following: "director"
Insert: ", in consultation with the department, to contract with or"

8. Page 8.
Following: line 16
Insert: "(2) The board may, at its discretion, hire a consultant and establish a one-time fee to pay for that consultant. The consultant shall work with the department to determine how the board's paid staff interacts with department staff."
Renumber: subsequent subsection

9. Page 8, lines 17 through 21.
Strike: "For the purposes of benefits, employees"
Insert: "Employees"
Strike: "The board" on line 17 through "employees." on line 21

10. Page 8, line 23.
Strike: "[Sections 10 and 11] are"
Insert: "[Section 2] is"

11. Page 8, line 25.
Strike: "[sections 10 and 11]"
Insert: "[section 2]"

And, as amended, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 4/9/2013
HB 575, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/10/2013
HB 4, be amended as follows:

1. Page 2, line 16.
Following: line 15
Insert: "Victim compensation formula grant FY 2013 $73,238 Federal"

2. Page 2, line 19.
Following: line 18
Insert: "All remaining federal fiscal year 2013 budget amendment authority for the victim compensation formula grant is authorized to continue into federal fiscal year 2015."

3. Page 3, line 4.
Following: line 3
Insert: "Federal forfeiture FY 2013 $100,313 Federal"

4. Page 3, line 11.
Following: line 10
Insert: "Organized crime drug enforcement task forces road warriors FY 2013 $4,500 Federal
State and local overtime initial allocation FY 2013 $15,000 Federal
Big Sky safe streets task force FY 2013 $17,203 Federal"

5. Page 4, line 12.
Following: line 11
Insert: "State historic preservation office file search fees FY 2013 $17,500 Proprietary"

6. Page 7, line 9.
Strike: "$141,198"
Insert: "$246,681"

7. Page 11, line 23.
Following: line 22
Insert: "Developing current labor exchange system by enhancing matching and integrating labor exchange with educational information FY 2013 $338,726 Federal"

8. Page 11, line 23.
Strike: "grant"
Insert: "and fiscal year 2012 reemployment eligibility assessment"

9. Page 11, line 27.

Following: line 26
Insert: "All remaining fiscal year 2013 federal budget amendment authority for developing current labor exchange system by enhancing matching and integrating labor exchange with educational information is authorized to continue into federal fiscal year 2015."

10. Page 11, line 28.
Following: line 27
Insert: "Fiscal year 2012 reemployment eligibility assessment FY 2013 $1,000Federal
Fiscal year 2013 unemployment insurance state administration
FY 2013 $371,543 Federal
Fiscal year 2013 emergency unemployment compensation FY 2013
$236,297 Federal"

11. Page 11, line 30.
Following: "program"
Insert: ", fiscal year 2012 reemployment eligibility assessment,"

12. Page 12, line 5.
Following: line 4
Insert: "All remaining fiscal year 2013 federal budget amendment authority for the fiscal year 2013 emergency unemployment compensation is authorized to continue into federal fiscal year 2015."

13. Page 12, line 6.
Following: line 5
Insert: "Starbase Program
Starbase partial funding FY 2013 $150,000 Federal"

14. Page 12, line 7.
Following: line 6
Insert: "Fiscal year 2012 hazard mitigation grants program
FY 2013 $604,330 Federal"

15. Page 13, line 9.
Following: line 8
Insert: "State health insurance assistance program FY 2013 $324,000 Federal
All remaining fiscal year 2013 federal budget amendment authority for the state health insurance assistance program is authorized to continue into state fiscal year 2014."

16. Page 13, line 13.
Following: line 12
Insert: "Addictive and Mental Disorders Division
Flex rural veterans health access program FY 2013
$327,700 Federal"

And, as amended, be concurred in. Report adopted.

HB 10, be amended as follows:

1. Page 2.
Following: line 16
Insert: "Electronic Records Management/Electronic Content Management Matching Grants
1,000,000 (LRITP) 1,000,000 (Total)"

2. Page 3, line 1.
Strike: "$10,451,785"
Insert: "$
11,451,785"

And, as amended, be concurred in. Report adopted.

HB 11, be amended as follows:

1. Page 8, line 4.
Strike: "$14,100,000"
Insert: "$13,300,000"

And, as amended, be concurred in. Report adopted.

HB 86, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 4/9/2013
HB 401, be concurred in. Report adopted.
HB 444, be amended as follows:

1. Title, page 1, line 10.
Following: "EFFECTIVE DATE"
Insert: ","
Strike: "AND"
Following: "APPLICABILITY DATE"
Insert: ", AND A TERMINATION DATE"

2. Page 2, line 16.
Following: line 15
Insert: "(4) If the parcel not previously deemed legally accessible is leased state land under Title 77, chapter 1, only the lessee with a qualified access to that state land under [section 1] is eligible for the unlocking state lands program."
Renumber: subsequent subsections

3. Page 2, line 24.

Strike: "(8)"
Insert: "(9)"

4. Page 2, line 25.
Strike: "(4)(B)"
Insert: "(5)(b)"

5. Page 3, line 5.
Strike: "(4)"
Insert: "(5)"

6. Page 3, line 23.
Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates December 31, 2018."

And, as amended, be concurred in. Report adopted.

HB 580, be amended as follows:

1. Title, page 1, line 6.
Following: "AN"
Insert: "IMMEDIATE"

2. Page 2, line 17.
Following: "appropriated"
Insert: "a total of"

3. Page 2, line 18.
Strike: "biennium"
Insert: "bienniums"
Following: "beginning"
Insert: "July 1, 2011, and"

4. Page 2, line 26.
Strike: "July 1, 2013"
Insert: "on passage and approval"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **House bill** concurred in and transmitted for consideration of Governor's amendments: 4/9/2013

HB 131, introduced by Gursky

HB 184 - The House failed to concur in Senate amendments to **HB 184,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 184:**

4/9/2013

Representative Fiscus, Vice Chair
Representative Curtis
Representative Kary

HB 395 - The House failed to concur in Senate amendments to **HB 395,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 395:**

4/9/2013

Representative Wagoner, Vice Chair
Representative Randall
Representative Williams

MOTIONS

Senator Tutvedt moved **HB 213** be moved from the Taxation committee to the Education and Cultural Resources committee. Without objection, so ordered.

Senator Wittich moved **HB 634** be moved from the Local Government committee to the Rules committee. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 67, introduced by Murphy, Blewett (by request of the Senate Judiciary Standing Committee), referred to Judiciary.
SR 68, introduced by Brenden (by request of the Senate Fish and Game Standing Committee), referred to Fish and Game.
SR 69, introduced by Brenden (by request of the Senate Fish and Game Standing Committee), referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Debby Barrett in the

chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 313 - Senator T. Brown moved **HB 313** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Ripley, Sesso, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Mr. President.
Total 32

Nays: Arntzen, Arthun, Boulanger, D. Brown, Fielder, Murphy, Priest, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 478 - Senator Arntzen moved **HB 478** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Blewett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 533 - Senator Keane moved **HB 533** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Murphy, Peterson, Phillips, Priest, Sesso,

Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried.
Total 27

Nays: Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Facey, Fielder, Jackson, Malek, Moore, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 46 - Senator Jent moved **HB 46** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Barrett Debby, Lewis, Moore, Olson.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 64 - Senator Blewett moved **HB 64** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Priest, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 36

Nays: Boulanger, Brenden, Buttrey, Jackson, Lewis, Moore, Murphy, Olson, Ripley, Rosendale, Taylor, Thomas, Webb, Wittich.
Total 14

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 112 - **House Amendments** - Senator Blewett moved House amendments to **SB 112** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Arthun, Brenden, D. Brown, Lewis, Rosendale, Walker, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 127 - **House Amendments** - Senator Buttrey moved House amendments to **SB 127** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 144 - **House Amendments** - Senator Sesso moved House amendments to **SB 144** be

concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 38

Nays: Arntzen, Barrett Debby, D. Brown, Jackson, Moore, Murphy, Olson, Sales, Taylor, Tropila, Webb, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 242 - **House Amendments** - Senator Sesso moved House amendments to **SB 242** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269 - **House Amendments** - Senator Walker moved House amendments to **SB 269** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Debby Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Wanzenried.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 118 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 133 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 37

Nays: Boulanger, Fielder, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 545 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Ripley.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 392 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb.
Total 32

Nays: Augare, Blewett, D. Brown, Caferro, Driscoll, Jent, Kaufmann, Keane, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 564 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 16 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 37

Nays: Barrett Debby, Boulanger, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Tropila,

Vincent, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 145 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 54 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Wittich.
Total 36

Nays: Arntzen, Barrett Debby, Boulanger, Fielder, Moore, Priest, Sales, Sonju, Tropila, Vincent, Walker, Webb, Windy Boy, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 17 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 46

Nays: Caferro, Keane, Wanzenried, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 23 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 43

Nays: Blewett, Caferro, Fielder, Kaufmann, Sales, Wanzenried, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 391 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson,

Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, April 11, 2013, the seventy-sixth legislative day. Motion carried.

Senate adjourned at 2:27 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 11, 2013 — State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare and Vincent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/11/2013

Correctly printed: **HB 46**, **HB 64**, **HB 86**, **HB 313**, **HB 401**, **HB 478**, **HB 575**, **SR 67**, **SR 68**, **SR 69**.
Correctly engrossed: **SJR 27**, **HB 2**, **HB 12**, **HB 76**, **HB 593**, **HB 605**.
Transmitted to the House: **SJR 23**, **HB 54**, **HB 118**, **HB 133**, **HB 145**, **HB 391**, **HB 392**, **HB 545**, **HB 564**, **HJR 16**, **HJR 17**.
Signed by the Secretary of the Senate at 8:25 a.m., April 11, 2013: **SB 147**, **SB 161**, **SB 182**, **SB 199**, **SB 207**, **SB 209**, **SB 245**, **SB 251**, **SB 290**.
Signed by the President at 9:55 a.m., April 11, 2013: **SB 147**, **SB 161**, **SB 182**, **SB 199**, **SB 207**, **SB 209**, **SB 245**, **SB 251**, **SB 290**.
Signed by the Speaker at 2:45 p.m., April 11, 2013: **SB 147**, **SB 161**, **SB 182**, **SB 199**, **SB 207**, **SB 209**, **SB 245**, **SB 251**, **SB 290**.
Signed by the Secretary of the Senate at 8:25 a.m., April 11, 2013: **SB 106**, **SB 271**, **SB 278**, **SB 292**, **SB 306**, **SB 340**, **SB 351**, **SB 361**, **SB 366**, **SJR 11**, **SJR 13**, **SR 22**.
Signed by the President at 10:35 a.m., April 11, 2013: **SB 106**, **SB 271**, **SB 278**, **SB 292**, **SB 306**, **SB 340**, **SB 351**, **SB 361**, **SB 366**, **SJR 11**, **SJR 13**, **SR 22**.
Signed by the Speaker at 2:40 p.m., April 11, 2013: **SB 106**, **SB 271**, **SB 278**, **SB 292**, **SB 306**, **SB 340**, **SB 351**, **SB 361**, **SB 366**, **SJR 11**, **SJR 13**, **SR 22**.
Signed by the Speaker at 8:25 a.m., April 11, 2013: **SB 43**, **SB 88**, **SB 149**, **SB 258**.
Delivered to the Governor at 10:57 a.m., April 11, 2013: **SB 43**, **SB 88**, **SB 149**, **SB 258**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 4/10/2013
SR 31, **preliminary report**, introduced resolution, be amended as follows:

1. Page 1, line 16.
Strike: line 16 in its entirety

And, as amended, be adopted. Report adopted.

SR 44, be adopted. Report adopted.

SR 45, be adopted. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/9/2013
HB 2, be amended as follows:

1. Page A-1, line 5.
Strike: "6,715,489 7,226,138" [general fund FY 2014 and FY 2015]
Insert: "6,549,178 7,058,675" [general fund FY 2014 and FY 2015]
Strike: "884,927 365,293" [state special fund FY 2014 and FY 2015]
Insert: "842,029 322,210" [state special fund FY 2014 and FY 2015]

2. Page A-1.
Following: line 20
Insert: "Legislative Services includes a reduction in general fund of $166,311 in fiscal year 2014 and $167,463 in fiscal year 2015 and state special revenue of $42,898 in fiscal year 2014 and $43,083 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

3. Page A-2, line 4.
Strike: "2,625,768 2,628,391" [general fund FY 2014 and FY 2015]
Insert: "2,536,426 2,538,816" [general fund FY 2014 and FY 2015]

4. Page A-3, following line 2.
Insert: "Executive Office Program includes a reduction in general fund of $89,342 in fiscal year 2014 and $89,575 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

5. Page A-3, line 6.
Strike: "5,279,127 5,280,900" [proprietary FY 2014 and FY 2015]
Insert: "5,215,544 5,217,347" [proprietary FY 2014 and FY 2015]

6. Page A-3, following line 13.
Insert: "Business and Government Services includes a reduction in proprietary funds of $63,583 in fiscal year 2014 and $63,553 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

7. Page A-3.
Strike: line 19 through line 20
Renumber: subsequent subsections

8. Page A-4, line 1.
Strike: "1,672,763 1,677,614" [state special fund FY 2014 and FY 2015]

Insert: "1,562,694 1,567,396" [state special fund FY 2014 and FY 2015]

9. Page A-5.
Following: line 11
Insert: "Central Management includes a reduction in state special revenue of $110,069 in fiscal year 2014 and $110,218 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

10. Page A-5, line 14.
Strike: "5,407,093 5,403,433" [general fund FY 2014 and FY 2015]
Insert: "4,686,688 4,682,468" [general fund FY 2014 and FY 2015]
Strike: "114,136 113,971 " [state special fund FY 2014 and 2015]
Insert: "105,554 105,384" [state special fund FY 2014 and FY 2015]
Strike: "114,384 115,663" [proprietary FY 2014 and FY 2015]
Insert: "75,861 77,114" [proprietary FY 2014 and FY 2015]

11. Page A-6, line 13.
Strike: "251,611 251,479" [federal special fund FY 2014 and FY 2015]
Insert: "247,447 247,312" [federal special fund FY 2014 and FY 2015]

12. Page A-6.
Following: line 24
Insert: "Director's Office includes a reduction in general fund of $720,405 in fiscal year 2014 and $720,965 in fiscal year 2015, state special revenue of $8,582 in fiscal year 2014 and $8,587 in fiscal year 2015, and proprietary funds of $38,523 in fiscal year 2014 and $38,549 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

13. Page A-6.
Following: line 26
Insert: "Business and Income Taxes Division includes a reduction in federal special revenue of $4,164 in fiscal year 2014 and $4,167 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

14. Page A-7, line 6.
Strike: "1,380,378 1,378,545" [general fund FY 2014 and FY 2015]
Insert: "1,298,230 1,296,348" [general fund FY 2014 and FY 2015]

Strike: "1,066" [federal special fund FY 2015]
Insert: "1,065" [federal special fund FY 2015]

Strike: "55,104 55,024" [proprietary FY 2014 and FY 2015]

Insert: "16,815 16,714" [proprietary FY 2014 and FY 2015]

15. Page A-7, line 12.
Strike: "2,004,122 1,956,166" [general fund FY 2014 and FY 2015]
Insert: "784,099 782,970" [general fund FY 2014 and FY 2015]

16. Page A-7.
Following: line 14
Insert: "b. Facilities Management for Common Areas (OTO) 1,220,023 1,173,196"[general fund FY 2014 and FY 2015]"

17. Page A-7, line 22.
Strike: "3,762,617 3,763,681" [state special fund FY 2014 and FY 2015]
Insert: "3,667,358 3,668,375" [state special fund FY 2014 and FY 2015]

18. Page A-8.
Following: line 12
Insert: "State Accounting Division includes a reduction in general fund of $82,148 in fiscal year 2014 and $82,197 in fiscal year 2015, federal special revenue of $1 in fiscal year 2015, and proprietary funds of $38,289 in fiscal year 2014 and $38,310 in fiscal year 2015. Banking and Financial Division includes a reduction in state special revenue of $95,259 in fiscal year 2014 and $95,306 in fiscal year 2015. The reductions are the equivalent of an additional 2% vacancy savings. The agency may allocate these reductions in funding among programs when developing 2015 biennium operating plans. "

19. Page A-8, line 17.
Strike: "1,953,665 1,957,035" [general fund FY 2014 and FY 2015]
Insert: "1,930,520 1,933,880" [general fund FY 2014 and FY 2015]

Strike: "2,196,634 2,197,356" [state special fund FY 2014 and FY 2015]
Insert: "2,182,098 2,182,853" [state special fund FY 2014 and FY 2015]

Strike: "3,956,421 4,173,561" [federal special fund FY 2014 and FY 2015]
Insert: "3,925,555 4,142,678" [federal special fund FY 2014 and FY 2015]

20. Page A-9.
Following: line 2
Insert: "g. Native Language Preservation (Restricted/Biennial/OTO) 1,000,000 1,000,000" [general fund FY14 and FY15]

21. Page A-9.
Following: line 25
Insert: "Business Resources Division includes a reduction in general fund of $23,145 in fiscal year 2014 and $23,155 in fiscal year 2015, state special revenue of $14,536 in fiscal year 2014 and $14,503 in fiscal year 2015, and federal special revenue of $30,866 in fiscal year 2014

and $30,883 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans.

If Senate Bill No. 342 is not passed and approved, Native American Language Preservation is void.

22. Page A-10, line 11.
Strike: "974,608" [general fund FY 2015]
Insert: "999,608" [general fund FY 2015]
Strike: "10,911,048" 10,921,978 [state special fund FY 2014 and FY 2015]
Insert: "10,390,657 10,428,837" [state special fund FY 2014 and FY 2015]
Strike: "766,965 767,050" [federal special fund FY 2014 and FY 2015]
Insert: "378,930 350,792" [federal special fund FY 2014 and FY 2015]

23. Page A-10, line 15.
Strike: "250,000" [federal special fund FY 2015]
Insert: "225,000" [federal special fund FY 2015]

24. Page A-11.
Following: line 1
Insert: "Employment Relations Division includes a reduction in state special revenue of $520,391 in fiscal year 2014 and $493,141 in fiscal year 2015 and federal special revenue of $388,035 in fiscal year 2014 and $416,258 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

25. Page A-11, line 2.
Strike: "LC 2150"
Insert: "House Bill No. 591"

26. Page A-11, line 9.
Strike: "871,555 872,597" [general fund FY 14 and FY 15]
Strike: "2,782,366 2,788,206" [federal special fund FY 14 and FY 15]
Insert: "847,738 848,719" [general fund FY 14 and FY 15]
Insert: "2,710,914 2,716,573" [federal special fund FY 14 and FY 15]

27. Page A-12, line 4.
Strike: "1,127,263 1,127,236" [general fund FY 2014 and FY 2015]
Insert: "1,067,500 1,067,427" [general fund FY 2014 and FY 2015]
Strike: "247,750 250,750" [state special fund FY 2014 and FY 2015]
Insert: "233,539 236,536" [state special fund FY 2014 and FY 2015]
Strike: "16,982,418 14,983,652" [federal special fund FY 2014 and FY 2015]
Insert: "16,821,604 14,825,674" [federal special fund FY 2014 and FY 2015]

28. Page A-12, line 17.
Following: "Biennial"
Insert: "/OTO"

29. Page A-12.
Strike: line 22 in its entirety

30. Page A-12, following line 22.
Insert: "Disaster and Emergency Services includes a reduction in general fund of $59,763 in fiscal year 2014 and $59,809 in fiscal year 2015, state special revenue of $14,211 in fiscal year 2014 and $14,214 in fiscal year 2015, and federal special revenue of $160,814 in fiscal year 2014 and $157,978 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

31. Page B-1, line 17.
Strike: "33,979,658 34,683,025"[general fund FY 14 and FY 15]
Insert: "33,890,067 34,554,026"[general fund FY 14 and FY 15]

Strike: "28,163,974 28,486,143"[federal special fund FY 14 and FY 15]
Insert: "28,107,716 28,406,690"[federal special fund FY 14 and FY 15]

32. Page B-1.
Following: line 17
Insert: "a. Guardianship Caseload (Restricted/OTO)"
Insert: "88,591 0 56,258 128,999 0 79,453"
Insert: "b. Reporting 1,000 " [general fund FY 14]
Renumber: subsequent subsections

33. Page B-1.
Following: line 21
Insert:"e. Foster Care Stipend (Restricted/Biennial/OTO)
Insert:"577,613 577,613" [Federal special fund FY 2014 and FY 2015]

34. Page B-2, following line 10.
Insert: "Best Beginnings STARS, Prevent Jail Suicide, and Montana State Hospital Overtime Pay are funded from a federal children's health insurance program reauthorization grant. If grant funds are insufficient to fund all appropriations, the funding shall be allocated in the following order of priority:
(1) Montana State Hospital Overtime Pay;
(2) Prevent Jail Suicide; and
(3) Best Beginnings STARS."

35. Page B-2.
Following: line 12

Insert: "The Child and Family Services Division shall report to the children, families, health, and human services interim committee by June 30, 2014, and to the 2015 session joint appropriations subcommittee on health and human services on the policies and procedures developed for the implementation of House Bill No. 131 and Senate Bill No. 65 and cases that resulted in better outcomes for children and families."

36. Page B-2.
Following: line 14
Insert: "Funding for Foster Care Stipend may be used only by the Child and Family Services Division to pay stipends to families who provide regular foster care in a youth foster home and kinship families who provide regular foster care in a kinship foster home of an estimated 75 cents per day in addition to the daily foster care maintenance payment. The Child and Family Services Division may adjust the stipend amount to reflect the funding of $577,613 each year of the biennium with the actual number of children placed in regular family foster care and kinship foster care."

37. Page B-2, line 17.
Strike: "1,773,159 1,772,626" [general fund FY 2014 and FY 2015]
Insert: "1,648,159 1,647,626" [general fund FY 2014 and FY 2015]

38. Page B-2.
Following: line 20
Insert: "Contingent upon passage and approval of House Bill No. 76, Director's Office includes a reduction in general fund of $125,000 in fiscal year 2014 and fiscal year 2015. The agency may allocate this reduction in funding among divisions when developing the 2015 biennium operating plans."

39. Page B-2, line 23.
Strike: "3,425,317 3,399,358" [general fund FY 14 and FY 15]
Insert: "3,189,232 3,163,484" [general fund FY 14 and FY 15]
Strike: "700,887 694,872" [state special fund FY 14 and FY 15]
Insert: "605,652 597,982" [state special fund FY 14 and FY 15]
Strike: "4,947,547 4,894,395" [federal special fund FY 14 and FY 15]
Insert: "4,621,831 4,569,684" [federal special fund FY 14 and FY 15]

40. Page B-3.
Following: line 6
Insert: "4. Management and Fair Hearings Division (16)"
Insert: "401,954 401,744" [general fund for FY 14 and FY 15]
Insert: "25,286 25,261" [state special fund FY 14 and FY 15]
Insert: "593,823 593,616" [federal special fund FY 14 and FY 15]

41. Page B-3.
Following: line 12
Insert: "Business and Financial Services Division includes a reduction in general fund of $236,085

in fiscal year 2014 and $235,874 in fiscal year 2015, state special revenue of $95,235 in fiscal year 2014 and $96,890 in fiscal year 2015, and federal special revenue of $325,716 in fiscal year 2014 and $324,711 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

42. Page B-4, line 5.
Strike: " 80,737,507 83,960,903 " [general fund FY 2014 and FY 2015]
Insert: "21,296,077 20,237,294" [general fund 2014 and FY 2015]
Strike: " 178,203,211 193,914,440 " [federal special fund FY 2014 and FY 2015]
Insert: " 8,505,128 7,620,024 " [federal special fund FY 2014 and FY 2015]
Strike: "6,632,940 6,632,940" [state special fund FY 2014 and FY 2015]

Insert: "592,794 592,794 " [state special fund FY 2014 and FY 2015
Strike: "178,203,211 193,914,440" [federal special fund FY 2014 and FY 2015]
Insert: "11,664,285 11,660,539" [federal special fund]

43. Page B-4, line 7.
Strike: "117,662 149,919" [general fund FY 2014 and FY2015]
Insert: "967,662 999,919" [general fund FY 2014 and FY2015]
Strike: "993,674 1,017,644" [federal special fund FY 2014 and FY2015]
Insert: "1,843,674 1,867,644" [federal special fund FY 2014 and FY2015]

44. Page B-4, line 10.
Strike: "Montana Developmental Center"
Insert: "Developmental Disabilities Medicaid Core "

45. Page B-4.
Following: Line 11
Insert: "d. Room and Board for Seriously Emotionally Disturbed Children (Restricted) 650,000 650,000" [general fund FY 20214 and 2015]
Insert: "e. Medicaid Services -- Developmental Services
57,915,065 61,712,988" [general fund FY 2014 & FY 2015]
"6,040,146 6,040,146" [state special fund FY 2014 & FY 2015]
"166,538,926 182,253,901" [federal special fund FY 2014 & FY 2015]

46. Page B-4, line 13.
Strike: "130,776,073 139,019,771" [general fund FY 2014 & FY 2015]
Insert: "6,767,389 8,050,414" [general fund FY 2014 & FY 2015]
Strike: "43,874,472 46,261,595" [state special fund FY 2014 & FY 2015]
Insert: "22,489,104 23,553,800" [state special fund FY 2014 & FY 2015]
Strike: "397,899,138 424,087,664" [federal special fund FY 2014 & FY 2015]
Insert: "76,064,934 83,494,788" [federal special fund FY 2014 & FY 2015]

47. Page B-4, following line 15.

Insert: "b. Medicaid Services -- Health Resources
121,927,937 129,155,462" [general fund FY 2014 & FY 2015]
"22,013,821 23,001,840" [state special fund FY 2014 & FY 2015]
318,614,532 337,215,478" [federal special fund FY 2014 & FY 2015]

48. Page B-4, line 19.
Strike: "65,152,308 68,018,684" [general fund FY 2014 & FY 2015]
Insert: "9,769,001 10,032,324" [general fund FY 2014 & FY 2015]
Strike: "29,956,034 29,951,205" [state special fund FY 2014 & FY 2015]
Insert: "7,833,205 7,770,192" [state special fund FY 2014 & FY 2015]
Strike: "177,458,795 185,431,795" [federal special fund FY 2014 & FY 2015]
Insert: "16,802,286 17,167,484" [federal special fund FY 2014 & FY 2015]

49. Page B-5, line 2.
Strike: "58,184" [state special fund FY 2014]

50. Page B-5, following line 6.
Insert: "h. Medicaid Services -- Senior and Long-Term Care
55,383,307 57,986,360" [general fund FY 2014 & FY 2015]
"22,181,013 22,181,013" [state special fund FY 2014 & FY 2015]
"160,656,509 168,264,311" [federal special fund FY 2014 & FY 2015]

51. Page B-5.
Following: line 6
Insert: "i. Traumatic Brain Injury (OTO)
50,000 50,000" [general fund FY 2014 and FY 2015]

52. Page B-5, following line 6.
Insert: "j. Partially Restore Community Waiver Services (Restricted)
253,655 260,848" [state special fund FY 2014 and FY 2015]
"498,361 511,349" [federal special fund FY 2014 and FY 2015]

53. Page B-5, line 8.
Strike: "65,203,883 66,683,610" [general fund FY 2014 & FY 2015]
Insert: "53,545,543 54,342,348" [general fund FY 2014 & FY 2015]
Strike: "15,201,110 15,437,459" [state special fund FY 2014 & FY 2015]
Insert: "6,483,906 6,480,615" [state special fund FY 2014 & FY 2015]
Strike: "49,849,415 51,659,631" [federal special fund FY 2014 & FY 2015]
Insert: "9,539,405 9,627,607" [federal special fund FY 2014 & FY 2015]

54. Page B-5, following line 14.
Insert: "d. Medicaid Services -- Addictive and Mental Disorders
10,658,340 11,341,262" [general fund FY 2014 & FY 2015]
"8,717,204 8,956,844" [state special fund FY 2014 & FY 2015]
"40,310,010 42,032,024" [federal special fund FY 2014 & FY 2015]

Insert: "e. Montana State Hospital Overtime Pay (Biennial)"
1,000,000 1,000,000" [federal special fund FY 2014 and FY 2015]

55. Page B-5, line 18.
Following: "use"
Strike: "$3,395,156"
Insert: "$107,826"
Following: "2014 and"
Strike: "$6,858,214"
Insert: "$217,807"

56. Page B-5, line 19.
Following: "raise"
Insert: "nonmedicaid"

57. Page B-5, following line 23.
Insert: "Medicaid Services -- Developmental Services, Medicaid Services -- Health Resources, Medicaid Services -- Senior and Long-Term Care, and Medicaid Services -- Addictive and Mental Disorders may be used only to pay for medicaid services for eligible medicaid enrollees for expenses recorded as benefits and claims in the state accounting system and may not be transferred to other uses in the department.

The department of public health and human services must use the following amounts of money in the following appropriations to raise medicaid provider rates, except those medicaid services funded by the federal children's health insurance grant, by 2% in fiscal year 2014 and by 2% in fiscal year 2015:

(1) Medicaid Services -- Developmental Services, $3,755,335 in fiscal year 2014 and $7,585,778 in fiscal year 2015;

(2) Medicaid Services -- Health Resources, $4,650,249 in fiscal year 2014 and $9,389,047 in fiscal year 2015;

(3) Medicaid Services -- Senior and Long-Term Care, $4,392,560 in fiscal year 2014 and $8,872,971 in fiscal year 2015; and

(4) Medicaid Services -- Addictive and Mental Disorders, $1,097,758 in fiscal year 2014 and $2,217,499 in fiscal year 2015."

58. Page B-5, line 24.
Following: "use"
Strike: "$4,968,061"
Insert: "$317,812"
Following: "2014 and"
Strike: "$10,031,031"
Insert: "$641,984"

59. Page C-3, line 18.
Following: "The"

Strike: "program"
Insert: "Planning, Prevention, and Assistance Division"

60. Page B-5, line 25.
Following: "rates"
Insert: "for those services funded from the federal children's health insurance program grant and for providers who are not paid by a third-party administrator"

61. Page B-5, line 26.
Following: "use"
Strike: "$4,602,447"
Insert: "$209,887"
Following: "2014 and"
Strike: "$9,296,942"
Insert: "$423,971"

62. Page B-5, line 27.
Following: "raise"
Insert: "nonmedicaid"

63. Page B-6, following line 17.
Insert: "Partially Restore Community Waiver Services may be used only to fund services that were reduced in fiscal year 2014."

64. Page B-6, line 18.
Following: "use"
Strike: "$1,361,720"
Insert: "$263,962"
Following: "2014 and"
Strike: "$2,750,702"
Insert: "$533,203"

65. Page B-6, line 19.
Following: "raise"
Insert: "nonmedicaid"

66. Page C-1.
Following: line 10
Insert: "c. Contracted Services for Operation and Maintenance at Fishing Access Sites (Restricted/Biennial/OTO) $400,000" [state special fund FY 2014]
Insert: "d. Reporting (Restricted/Biennial/OTO) 1,000" [state special fund FY 2014]

67. Page C-1.
Following: line 12
Insert: "a. Warden Salary Adjustments (Restricted) 286,720 541,791" [state special fund FY

2014 and FY 2015]

68. Page C-1.
Strike: line 14
Insert: "10,009,399 10,110,813" [state special fund FY 2014 and FY 2015]
Insert: "7,989,402 7,916,047" [federal special fund FY 2014 and FY 2015]

69. Page C-1, line 20.
Strike: "7,267,974 7,283,490" [state special fund FY 2014 and FY 2015]
Insert: "7,472,974 7,488,490" [state special fund FY 2014 and FY 2015]

70. Page C-2, line 3.
Strike: "2,963,774 2,968,352" [state special fund FY 2014 and FY 2015]
Insert: "2,651,372 2,655,950" [state special fund FY 2014 and FY 2015]

71. Page C-2.
Following: line 3
Insert: "a. Shooting Ranges Funding (Restricted) 312,402 312,402" [state special fund FY 2014 and FY 2015]

72. Page C-2.
Following: line 12
Insert: "Contracted Services for Operations and Maintenance at Fishing Access Sites is restricted to contracted services for operations and maintenance, including but not limited to general upkeep, weed management, garbage pickup, and maintaining current sites prior to any purchases. If House Bill No. 401 is not passed and approved, then Contracted Services for Operation and Maintenance at Fishing Access Sites is void.

Reporting is restricted for the purpose of reporting to the environmental quality council and the joint appropriations subcommittee on natural resources and transportation. The Department of Fish, Wildlife, and Parks shall report to the environmental quality council by June 30, 2014, and to the 2015 session joint appropriations subcommittee on natural resources and transportation regarding the progress of maintenance of fishing access sites.

Warden Salary Adjustments is to be used for the department's warden salary increases for the 2015 biennium, based on a 5.82% increase calculated on salary data in the 2013 biennium. If House Bill No. 401 is not passed and approved, then Warden Salary Adjustments is void.

Wildlife Division includes a reduction in state special revenue of $519,403 in fiscal year 2014 and $522,032 in fiscal year 2015 and federal special revenue of $213,635 in fiscal year 2014 and $211,731 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

73. Page C-2,line 17

Strike: "2,680,738 2,681,807" [general fund FY 2014 and FY 2015]
Insert: "2,630,738 2,631,807" [general fund FY 2014 and FY 2015]

74. Page C-2, line 21.
Strike: "543,045 543,426" [general fund FY 2014 and FY 2015]
Insert: "517,710 518,091" [general fund FY 2014 and FY 2015]

75. Page C-2, line 23.
Strike: "5,918,252" [state special fund FY 2014]
Insert: "5,518,252" [state special fund FY 2014]

76. Page C-2.
Following: line 27
Insert: "c. Additional Leaking Underground Storage Tank Expenses (OTO)" 400,000 [state special fund FY 2014]

77. Page C-3.
Strike: line 2
Insert: "1,768,951 1,770,115" [general fund FY 2014 and FY 2015]
Insert: "16,781,018 16,800,790" [state special fund FY 2014 and FY 2015]
Insert: "6,634,628 6,627,243" [federal special fund FY 2014 and FY 2015]

78. Page C-3,line 12
Strike: "43,214 40,215" [general fund FY 2014 and FY 2015]

79. Page C-3, line 18.
Following: "The"
Strike: "program"
Insert: "Planning, Prevention, and Assistance Division"

80. Page C-3.
Following: line 20
Insert: " Permitting and Compliance Division includes a reduction in general fund of $33,957 in fiscal year 2014 and $33,712 in fiscal year 2015, state special revenue of $290,347 in fiscal year 2014 and $281,120 in fiscal year 2015, and federal special revenue of $232,124 in fiscal year 2014 and $242,060 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

81. Page C-3, line 27.
Strike: "25,392,406 25,329,023" [state special fund FY 2014 and FY 2015]
Insert: "23,373,012 23,307,456" [state special fund FY 2014 and FY 2015]
Strike: "1,140,654 1,141,024" [federal special fund FY 2014 and FY 2015]
Insert: "283,583 282,800" [federal special fund FY 2014 and FY 2015]

82. Page C-5.
Following: line 2

Insert: "General Operations Program includes a reduction in state special revenue of $2,019,394 in fiscal year 2014 and $2,021,567 in fiscal year 2015 and federal special revenue of $857,071 in fiscal year 2014 and $858,224 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

83. Page C-5, line 11.
Strike: "1,706,747 1,697,560" [state special fund FY 2014 and FY 2015]
Insert: "1,590,413 1,581,152" [state special fund FY 2014 and FY 2015]

84. Page C-6.
Strike: line 8
Insert: "593,002 594,784" [general fund FY 2014 and FY 2015]
Insert: "5,718 5,717" [state special fund FY 2014 and FY 2015]
Insert: "594,513 596,295" [federal special fund FY 2014 and FY 2015]

85. Page C-6, line 12.
Strike: "6,725" [general fund FY 2015]
Insert: "0" [general fund FY 2015]
Strike: "0" [federal special fund FY 2014]
Insert: "6,725" [federal special fund FY 2014]

86. Page C-6.
Following: line 17
Insert: "Centralized Services Program includes a reduction in state special revenue of $116,334 in fiscal year 2014 and $116,408 in fiscal year 2015. Meat and Poultry Inspection Program includes a reduction in general fund of $18,130 in fiscal year 2014 and $18,141 in fiscal year 2015 and federal special revenue of $16,619 in fiscal year 2014 and $16,630 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

87. Page C-7.
Following: line 9
Insert: "g. Board of Oil and Gas Inspectors Personal Services (Restricted) 100,000 100,000" [state special fund FY 2014 and FY 2015]

88. Page C-8.
Strike: line 14
Insert: "10,409,771 10,420,235" [general fund FY 2014 and FY 2015]
Insert: "14,983,754 15,002,655" [state special fund FY 2014 and FY 2015]
Insert: "1,089,908 1,091,162" [federal special fund FY 2014 and FY 2015]

89. Page C-8, line 19.
Following: "("

Insert: "Biennial/"

90. Page C-9.
Following: line 11
Insert: " Forestry and Trust Lands includes a reduction in general fund of $296,118 in fiscal year 2014 and $296,363 in fiscal year 2015, state special revenue of $345,471 in fiscal year 2014 and $345,757 in fiscal year 2015, and federal special revenue of $63,454 in fiscal year 2014 and $63,506 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

91. Page C-9.
Strike: line 14
Insert: "97,504 97,483" [general fund FY 2014 and FY 2015]
Insert: "753,317 753,207" [state special fund FY 2014 and FY 2015]
Insert: "105,866 106,082" [federal special fund FY 2014 and FY 2015]
Insert: "128,169 128,979" [proprietary FY 2014 and FY 2015]

92. Page C-9.
Strike: line 19 through line 20

93. Page C-9, line 23.
Strike: "Center"
Insert: "and Agricultural Development Program"

94. Page C-9, line 24.
Strike: "300,000 300,000" [state special fund FY 2014 and FY 2015]
Insert: "105,000 105,000 " [state special fund FY 2014 and FY 2015]

95. Page C-9, line 25.
Strike: "/OTO"

96. Page C-10.
Following: line 2
Insert: "Central Management Division includes a reduction in general fund of $7,366 in fiscal year 2014 and $7,398 in fiscal year 2015, state special revenue of $80,398 in fiscal year 2014 and $80,509 in fiscal year 2015, federal special revenue of $46,249 in fiscal year 2014 and $46,032 in fiscal year 2015, and proprietary funds of $10,051 in fiscal year 2014 and $10,252 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans.

If House Bill No. 420 is passed and approved, then Food and Agricultural Development Program is void."

97. Page C-10.
Strike: line 3 through line 4

98. Page D-1, line 4.
Strike: "9,699,483 9,802,413" [general fund FY 2014 and FY 2015]
Insert: "9,303,970 9,406,384" [general fund FY 2014 and FY 2015]
Strike: "241,555 241,556" [state special fund FY 2014 and FY 2015]
Insert: "236,750 236,679" [state special fund FY 2014 and FY 2015]
Strike: "120,882 120,841" [federal special fund FY 2014 and FY 2015]
Insert: "119,828 119,788" [federal special fund FY 2014 and FY 2015]

99. Page D-1.
Following: line 25
Insert: "Supreme Court Operations includes a reduction in general fund of $395,513 in fiscal year 2014 and $396,029 in fiscal year 2015, state special revenue of $4,805 in fiscal year 2014 and $4,877 in fiscal year 2015, and federal special revenue of $1,054 in fiscal year 2014 and $1,053 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

100. Page D-2, line 14.
Strike: "6,215,512 6,201,225" [general fund FY 2014 and FY 2015]
Insert: "6,043,502 6,033,578" [general fund FY 2014 and FY 2015]

101. Page D-2.
Following: line 14
Insert: "a. Contract Attorney for Commissioner of Political Practices (Restricted/OTO) 53,627 53,627[general fund FY 2014 & FY 2015]
b. Child and Family Ombudsman (Biennial)
125,000 125,000" [general fund FY 2014 and FY 2015]

102. Page D-2, line 20.
Strike: "8,376,132 8,397,493" [general fund FY 2014 and FY 2015]
Insert: "7,978,597 7,997,520" [general fund FY 2014 and FY 2015]
Strike: "10,054,635 10,502,878" [state special fund FY 2014 and FY 2015]
Insert: "10,133,101 10,564,503" [state special fund FY 2014 and FY 2015]
Strike: "591,259" [proprietary FY 2014]
Insert: "586,467" [proprietary FY 2014]

103. Page D-2, line 26.
Strike: "3,704,868 3,702,218" [state special fund FY 2014 and FY 2015]
Insert: "3,879,868 3,877,218" [state special fund FY 2014 and FY 2015]

104. Page D-2, line 27.
Following: "Restricted"

Insert: "(/OTO)"

105. Page D-3, line 1.
Strike: "0 0" [general fund FY 2014 and FY 2015]
Insert: "100,000 100,000" [general fund FY 2014 and FY 2015]

Strike: "100,000 100,000" [state special fund FY 2014 and FY 2015]
Insert: "0 0" [state special fund FY 2014 and FY 2015]

106. Page D-3.
Following: line 3
Insert: "c. Senate Bill 43 Investigator for Investigations at the Montana Developmental Center (Restricted)
97,064 97,064" [general fund FY 2014 and FY 2015]

107. Page D-3.
Following: line 16
Insert: "If House Bill No. 76 is not passed and approved, Child and Family Ombudsman is void.

Motor Vehicle Division includes a reduction in general fund of $397,535 in fiscal year 2014 and $399,973 in fiscal year 2015, state special revenue of $171,421 in fiscal year 2014 and $174,974 in fiscal year 2015, and proprietary funds of $4,792 in fiscal year 2014. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

108. Page D-3, line 17.
Following: "$387,811"
Insert: "in state special revenue"

109. Page D-3, line 23.
Strike: "3,607,053 3,645,311" [state special fund FY 2014 and FY 2015]
Insert: "3,557,165 3,595,361" [state special fund FY 2014 and FY 2015]

110. Page D-4, following line 3.
Insert: "Public Service Regulation Program includes a reduction in state special revenue of $49,888 in fiscal year 2014 and $49,950 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings."

111. Page D-4, line 6.
Strike: "21,827,037 21,942,302" [general fund FY 2014 and FY 2015]
Insert: "23,400,417 23,515,752" [general fund FY 2014 and FY 2015]

112. Page D-4.
Following: line 19
Insert: "Office of State Public Defender includes a reduction in general fund of $271,617 in fiscal

year 2014 and $271,550 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

113. Page D-4, line 22.
Strike: "19,016,898 19,030,153" [general fund FY 2014 and FY 2015]
Insert: "18,330,908 18,345,453" [general fund FY 2014 and FY 2015]

114. Page D-6.
Following: line 8
Insert: "Administration and Support Services includes a reduction in general fund of $685,990 in fiscal year 2014 and $684,700 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

115. Page E-1, line 4.
Strike: "10,119,773 10,135,262" [general fund FY14 and FY15]
Insert: "10,033,158 10,048,526" [general fund FY14 and FY15]
Strike: "261,379 261,446" [state special fund FY14 and FY15]
Insert: "257,048 257,109" [state special fund FY14 and FY15]
Strike: "16,271,191 16,276,156" [federal special fund FY14 and FY15]
Insert: "16,145,599 16,150,388" [federal special fund FY14 and FY15]

116. Page E-2.
Strike: line 21 through line 22 in their entirety
Renumber: subsequent items

117. Page E-2, line 24.
Strike: "500,000 500,000" [general fund FY14 & FY15]
Insert: "250,000 250,000" [general fund FY14 & FY15]

118. Page E-3, following line 7.
Insert: "s. State School Oil and Natural Gas Impact Account (Restricted/Biennial)"
Insert: "1,000,000 700,000" [state special fund FY14 & FY15]

119. Page E-3, following line 10.
Insert: "OPI Administration includes a reduction in general fund of $86,615 in fiscal year 2014 and $86,736 in fiscal year 2015, state special revenue of $4,331 in fiscal year 2014 and $4,337 in fiscal year 2015, and federal special revenue of $125,592 in fiscal year 2014 and $125,768 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

120. Page E-4, line 9.
Strike: " 3,737,627 3,730,651 " [general fund FY 2014 and FY 2015]

Insert: " 3,862,627 3,855,651 " [general fund FY 2014 and FY 2015]

121. Page E-4, line 15.
Strike: "150,000 125,000" [general fund FY 2014 and FY 2015]
Insert: "25,000" [general fund FY 2014]

122. Page E-6, line 2.
Strike: "986,896 970,860" [general fund FY 14 and FY 15]
Insert: "964,702 951,765" [general fund FY 14 and FY 15]
Strike: "98,928 98,664" [state special fund FY 14 and FY 15]
Insert: "96,839 96,411" [state special fund FY 14 and FY 15]
Strike: "96,870 96,870" [federal special fund FY 14 and FY 15]
Insert: "86,920 86,932" [federal special fund FY 14 and FY 15]
Strike: "249,003 248,934" [proprietary FY 14 and FY 15]
Insert: "242,458 239,382" [proprietary FY 14 and FY 15]

123. Page E-6.
Following: line 21
Insert: "Administration Program includes a reduction in general fund of $47,152 in fiscal year 2014 and $44,010 in fiscal year 2015, state special revenue of $2,089 in fiscal year 2014 and $2,253 in fiscal year 2015, federal special revenue of $9,950 in fiscal year 2014 and $9,938 in fiscal year 2015, and proprietary funds of $6,545 in fiscal year 2014 and $9,552 in fiscal year 2015. The reduction is equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

124. Page E-6, line 24.
Strike: "2,582,464 2,600,836" [general fund FY 14 and FY 15]
Insert: "2,538,144 2,556,529" [general fund FY 14 and FY 15]
Strike: "418,876 414,464" [federal special fund FY 14 and FY 15]
Insert: "338,470 334,065" [federal special fund FY 14 and FY 15]
Strike: "76,269 75,466" [proprietary FY 14 and FY 15]
Insert: "75,093 74,290" [proprietary FY 14 and FY 15]

125. Page E-7, line 1.
Strike: "10,272,184" [general fund FY 15]
Insert: "10,529,816" [general fund FY 15]

126. Page E-7, line 21.
Strike: "144,955,754 146,773,758" [general fund FY 14 and FY 15]
Insert: "145,004,305 146,828,116" [general fund FY 14 and FY 15]

127. Page E-8, line 14.
Strike: "200,000 200,000" [general fund FY 14 and FY 15]
Insert: "100,000 100,000" [general fund FY 14 and FY 15]

128. Page E-9, following line 20.
Insert: "OCHE -- Administration program includes a reduction in general fund of $44,320 in fiscal year 2014 and $44,307 in fiscal year 2015, federal special revenue of $80,406 in fiscal year 2014 and $80,399 in fiscal year 2015, and proprietary funds of $1,176 in fiscal year 2014 and $1,176 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/10/2013
HB 12, be amended as follows:

1. Title, page 1, line 5.
Following: the second "FOR"
Insert: "ONE-TIME"

2. Page 2, line 14.
Following: "~~ONE TIME~~"
Insert: "one-time"

3. Page 2, line 24.
Following: "THE"
Insert: "one-time"

And, as amended, be concurred in. Report adopted.

HB 15, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 4/11/2013
HB 619, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 4/10/2013
SR 41, be adopted. Report adopted.
HB 535, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/10/2013
SR 49, **preliminary report**, be adopted. Report adopted.
SR 50, be adopted. Report adopted.
HB 76, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "ESTABLISHING" on line 6 through "OFFICE;" on line 7

2. Page 1, line 25.
Following: "**Appointment**"
Strike: "**-- term**"

3. Page 1, line 30.
Strike: "two attorneys"
Insert: "one attorney"

4. Page 2, line 1.
Strike: "two district court judges"
Insert: "one district court judge"

5. Page 2, line 10 through line 11.
Strike: subsection (3) in its entirety

6. Page 2, line 15.
Strike: "8"
Insert: "7"

7. Page 3, line 7 through line 8.
Strike: subsection (7) in its entirety
Renumber: subsequent subsections

8. Page 3, line 10 through line 11.
Strike: "and support" on line 10 through "assistance" on line 11

9. Page 3, line 12.
Strike: "the governor,"
Strike: ", and the legislature"

10. Page 3, line 17.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

11. Page 3, line 23.
Following: "investigating;"
Insert: "and"

12. Page 3, line 24.
Strike: subsection (d) in its entirety
Renumber: subsequent subsections

13. Page 3, line 26.
Strike: "; and"
Insert: "."

14. Page 3, line 27 through line 29.
Strike: subsection (f) in its entirety

15. Page 4, line 3 through line 6.
Strike: section 8 in its entirety
Renumber: subsequent sections

16. Page 7, line 17.
Strike: "8"
Insert: "7"

17. Page 7, line 19.
Strike: "8"
Insert: "7"

18. Page 7, line 22.
Strike: "8"
Insert: "7"

And, as amended, be concurred in. Report adopted.

RULES (Wittich, Chair): 4/8/2013
We, your committee on Rules determined that the hearings on bills **SB 405** and **SB 408** were conducted properly, and that the President of the Senate acted properly during the Floor Session of April 5, 2013, and that **SB 405** and **SB 408** were transmitted properly. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 4/10/2013
SR 51, **preliminary report**, be adopted. Report adopted.
SR 52, **preliminary report**, be adopted. Report adopted.
SR 53, **preliminary report**, be adopted. Report adopted.
SR 54, be adopted. Report adopted.

TAXATION (Tutvedt, Chair): 4/10/2013
SJR 27, introduced joint resolution, be amended as follows:

1. Page 5, line 20.
Strike: "3.867"
Insert: "3.876"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

HB 100 - The House failed to concur in Senate amendments to **HB 100,** authorized the Speaker

to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 100:**

4/10/2013

Representative Ehli, Vice Chair
Representative Hagstrom
Representative Noonan

HB 301 - The House failed to concur in Senate amendments to **HB 301,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 301:**

4/10/2013

Representative Halvorson, Vice Chair
Representative Washburn
Representative Pomnichowski

HB 473 - The House failed to concur in Senate amendments to **HB 473,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 473:**

4/10/2013

Representative Reichner, Vice Chair
Representative Galt
Representative Boland

HB 497 - The House failed to concur in Senate amendments to **HB 497,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 497:**

4/10/2013

Representative White, Vice Chair
Representative Lavin
Representative Schreiner

MOTIONS

Senator Larsen moved that **HB 254** be taken from Judiciary and brought before the Committee of the Whole on April 12, 2013, the seventy-seventh legislative day. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

Senator Rosendale moved that **HB 505** be taken from Judiciary and brought before the Committee of the Whole on April 12, 2013, the seventy-seventh legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 31

Nays: Barrett Dick, Blewett, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Tutvedt, Van Dyk, Wanzenried, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 410, introduced by Ripley (by request of the Senate Finance and Claims Standing Committee), referred to Finance and Claims.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 32, introduced by Arntzen, D. Brown (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

SJR 33, introduced by Ripley (by request of the Senate Finance and Claims Standing Committee), referred to Finance and Claims.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 70, introduced by Van Dyk (by request of the Senate Fish and Game Standing Committee), referred to Fish and Game.
SR 71, introduced by Facey (by request of the Senate Fish and Game Standing Committee),

referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Taylor in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 3 - Senator L. Jones moved **HB 3** be concurred in. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 605 - Senator Tutvedt moved **HB 605** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 40

Nays: D. Brown, Fielder, Murphy, Sales, Tropila, Van Dyk, Wanzenried, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 580 - Senator Hamlett moved **HB 580** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Sales, Walker, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 573 - Senator Buttrey moved **HB 573** be concurred in.

HB 573 - Senator Webb moved **HB 573**, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "REQUIRING"
Insert: "ALLOWING OPTIONAL"

2. Page 21, line 14.
Following: "15-1-116;"
Strike: "or"

3. Page 21, line 15.
Following: "license"
Insert: "; or
(m) a motorcycle, quadricycle, off-highway vehicle, or utility vehicle that will be operated only on private property"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker,

Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Barrett Dick, Blewett, Kaufmann, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 573 - Senator Buttrey moved **HB 573**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Boulanger, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Malek, Murphy, Peterson, Rosendale, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Walker, Webb, Windy Boy, Wittich.
Total 23

Nays: Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Moore, Olson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Taylor, Van Dyk, Vuckovich, Wanzenried, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 573 - Senator Wittich moved **HB 573** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 37

Nays: Arntzen, T. Brown, Buttrey, Hamlett, Jackson, Jones, Peterson, Sesso, Thomas, Tropila, Windy Boy.
Total 11

Absent or not voting: None.

Total 0

Excused: Augare, Vincent.
Total 2

SB 139 - **Governor's Amendments** - Senator Walker moved Governor's amendments to **SB 139** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Barrett Dick, Blewett, Driscoll, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 223 - **House Amendments** - Senator Caferro moved House amendments to **SB 223** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 323 - **House Amendments** - Senator Thomas moved House amendments to **SB 323** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Barrett Dick, Blewett, Caferro, Jent, Kaufmann, Malek, Stewart-Peregoy, Wanzenried.
Total 8

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 324 - **House Amendments** - Senator Rosendale moved House amendments to **SB 324** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Blewett, Kaufmann, Tropila, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SJR 18 - **House Amendments** - Senator Thomas moved House amendments to **SJR 18** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Blewett, Caferro, Facey, Keane, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 9

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 198 - Senator Thomas moved consideration of House amendments to **SB 198** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 336 - **House Amendments** - Senator Hamlett moved House amendments to **SB 336** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Moore, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 256 - **House Amendments** - Senator F. Moore moved House amendments to **SB 256** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Blewett, Driscoll, Jent, Keane, Larsen, Malek, Sesso, Tropila, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 337 - **House Amendments** - Senator Hamlett moved House amendments to **SB 337** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Barrett Dick, Kaufmann, Malek, Stewart-Peregoy, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 131 - **Governor's Amendments** - Senator Blewett moved Governor's amendments to **HB 131** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 198 - **House Amendments** - Senator Thomas moved House amendments to **SB 198** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Wanzenried.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 313 concurred in as follows:

Yeas: Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Ripley, Sesso, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich,

Wanzenried, Mr. President.
Total 31

Nays: Arntzen, Arthun, Boulanger, D. Brown, Fielder, Jackson, Murphy, Priest, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Walker, Webb, Windy Boy, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 478 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Blewett.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 533 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Moore, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 46 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 45

Nays: Moore, Olson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

HB 64 concurred in as follows:

Yeas: Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Peterson, Phillips, Priest, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 33

Nays: Arntzen, Boulanger, Brenden, Buttrey, Jackson, Moore, Murphy, Olson, Ripley, Rosendale, Taylor, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 112, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.

Total 37

Nays: Brenden, D. Brown, Jackson, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Walker, Webb.
Total 11

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 127, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 144, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Jackson, Murphy, Sales, Taylor, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 242, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

SB 269, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare, Vincent.
Total 2

REPORTS OF STANDING COMMITTEES

TAXATION (Tutvedt, Chair): 4/11/2013
HB 593, be amended as follows:

1. Page 4, line 21.
Strike: "DEFINE"
Insert: "recommend to the department definitions for"

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Ripley moved **HB 580** be moved to the Finance and Claims committee. Without objection, so ordered.

Senator Priest moved to change his third-reading vote on **HB 313** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 12:00 p.m., Friday, April 12, 2013., the seventy-seventh legislative day. Motion carried.

Senate adjourned at 2:25 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 12, 2013 — State Capitol

Senate convened at 12:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Tutvedt, Vincent, and Windy Boy, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/12/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-sixth through seventieth legislative days, find the same to be correct.

Correctly printed: **SB 410**, **SJR 32**, **SJR 33**, **SR 41**, **SR 44**, **SR 45**, **SR 50**, **SR 54**, **SR 70**, **SR 71**, **HB 3**, **HB 15**, **HB 254**, **HB 505**, **HB 535**, **HB 619**.
Correctly engrossed: **HB 298**, **HB 354**, **HB 559**, **HB 574**, **HB 586**, **HB 607**, **HB 609**, **HB 625**.
Correctly enrolled: **SB 20**, **SB 107**, **SB 112**, **SB 127**, **SB 144**, **SB 179**, **SB 200**, **SB 236**, **SB 242**, **SB 269**, **SB 294**.
Transmitted to the House: **HB 46**, **HB 64**, **HB 313**, **HB 478**, **HB 533**.
Delivered to the Governor for approval at 11:01 a.m., April 12, 2013: **SB 106**, **SB 147**, **SB 161**, **SB 182**, **SB 199**, **SB 207**, **SB 209**, **SB 245**, **SB 251**, **SB 271**, **SB 278**, **SB 290**, **SB 292**, **SB 306**, **SB 340**, **SB 351**, **SB 361**, **SB 366**.
Delivered to the Secretary of State at 10:12 a.m., April 12, 2013: **SJR 11**, **SJR 13**, **SR 22**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 4/4/2013
HB 630, be concurred in. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 4/11/2013
SR 43, **preliminary report**, be adopted. Report adopted.
SR 60, **preliminary report**, be adopted. Report adopted.
HB 574, be amended as follows:

1. Title, page 1, line 4.
Strike: "SMALL HERD EXEMPTION"
Insert: "RAW MILK"

2. Title, page 1, line 6.
Strike: "SMALL HERD EXEMPTION"

Insert: "RAW MILK"

3. Title, page 1, line 8.
Strike: "81-21-102, 81-21-103, 81-22-101,"
Strike: "81-22-202,"
Strike: "81-22-413,"

4. Page 1, line 13 through page 2, line 15.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Raw milk permit -- herd share exemption.** (1) Raw milk may not be sold for human consumption unless the person selling the raw milk has a raw milk permit issued pursuant to this section. The department may issue raw milk permits only to a person who produces grade A raw milk for human consumption pursuant to this section and rules adopted by the department.

(2) The department shall adopt rules to implement this section. The rules must include:

(a) provisions for labeling of raw milk containers and providing other means of notice, including placards at any facility where raw milk is sold;

(b) best management practices for providing raw milk for human consumption; and

(c) standards for testing of livestock that produce raw milk for human consumption.

(3) The department shall establish fees for the permit and related testing. However, the fees must be commensurate with the costs incurred by the department.

(4)(a) A person who sells shares in a herd is not subject to the provisions of this section if the owner of a herd share obtains for human consumption raw milk from that herd.

(b) To qualify for the herd-share exemption, the owner of the herd who sells shares in the herd shall enter into a written contract with the share owner that includes a bill of sale, stock certificate, or other written evidence of a bona fide ownership interest in the herd. The contract must stipulate that the
share owner is entitled to receive a share of raw milk from the herd. The contract must contain a conspicuous notification that the raw milk is not pasteurized.

(c) The department shall establish minimum requirements for vaccination and testing for herds that provide raw milk under this subsection (4). The department may adopt other rules to implement the provisions of this subsection (4).

(5) Raw milk permits may not be issued and the provisions of subsection (4) may not be implemented until the department adopts rules pursuant to this section. Rules must be adopted within 6 months of [the effective date of this act]."

5. Page 3, line 3.
Strike: "**small herd exemption**"
Insert: "raw milk"

6. Page 3, line 4.
Strike: "small herd exemption"
Insert: "raw milk"

7. Page 3, line 5.

Strike: "or raw milk products"

8. Page 3, line 7.
Strike: "or raw milk products"

9. Page 3, line 11.
Strike: "small herd exemption"
Insert: "raw milk"

10. Page 3, line 12 through line 13.
Following: "AND"
Strike: "THIS" on line 12 through "RAW MILK."" on line 13
Insert: "rules adopted by the department"

11. Page 3, line 17.
Strike: "SMALL HERD EXEMPTION"
Insert: "raw milk permit"

12. Page 3, line 18.
Strike: "or raw milk products"
Strike: "small herd exemption"
Insert: "raw milk"

13. Page 3, line 22.
Strike: "or raw milk products"

14. Page 3, line 23.
Strike: "or raw milk products are"
Insert: "is"

15. Page 6, line 7.
Strike: "**OR RAW MILK PRODUCTS**"

16. Page 6, line 8.
Strike: "OR RAW MILK PRODUCTS"

17. Page 6, line 8 and 9.
Strike: "OR MILK PRODUCTS"

18. Page 6, line 9.
Strike: "ARE"
Insert: "is"

19. Page 6, line 11.
Strike: "OR MILK PRODUCTS"

20. Page 6, line 13.
Strike: "OR RAW MILK PRODUCTS"
Strike: "ARE"
Insert: "is"

21. Page 6, line 14 and 15.
Strike: "OR RAW MILK PRODUCTS" on line 14
Strike: "FROM A SMALL HERD EXEMPT FROM PERMITTING PURSUANT TO"
Insert: "pursuant to a raw milk permit issued under"

22. Page 6, line 16.
Following: line 15
Insert: "(3) The state is immune from suit for injury to a person who consumes raw milk produced pursuant to a raw milk permit issued pursuant to [section 1]."

23. Page 6, line 17 through page 12, line 27.
Strike: section 5 through 7 in their entirety
Renumber: subsequent sections

24. Page 13, line 11.
Strike: "or raw milk products"
Strike: "small herd exemption"
Insert: "raw milk"

25. Page 13, line 14 through line 24.
Strike: section 9 in its entirety
Renumber: subsequent sections

26. Page 13, line 30.
Strike: "small herd exemption"
Insert: "raw milk"

27. Page 14, line 7.
Strike: "small herd exemption"
Insert: "raw milk"

28. Page 14, line 16 through line 26.
Strike: section 12 in its entirety
Renumber: subsequent sections

29. Page 15, line 3.
Strike: "small herd exemption"
Insert: "raw milk"

30. Page 15, line 11.

Strike: "and raw milk products"
Strike: "small herd exemption"
Insert: "raw milk"

31. Page 15, line 13 through line 14.
Strike: "The department" on line 13 through "chapter." on line 14

32. Page 15, line 18.
Strike: "small herd exemption"
Insert: "raw milk"

33. Page 15, line 23.
Strike: "or raw milk products"
Strike: "small herd exemption"
Insert: "raw milk"

34. Page 16, line 8.
Following: line 7
Insert: "NEW SECTION. **Section 14. Two-thirds vote required.** Because [section 4] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

And, as amended, be concurred in. Report adopted.

HB 591, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/12/2013
SR 64, **preliminary report**, be adopted. Report adopted.
SR 65, **preliminary report**, be adopted. Report adopted.
SR 66, **preliminary report**, be adopted. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 4/11/2013
HB 509, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/11/2013
HB 354, be amended as follows:

1. Title, page 1, line 5 through line 9.
Strike: "REQUIRING" on line 5 through "FUND;" on line 9
Insert: "REQUIRING THE CONSIDERATION OF WILDLAND FIRE SUPPRESSION ACTIVITIES IN DETERMINING THE AMOUNT OF THE PROJECTED GENERAL FUND BUDGET DEFICIT; REQUIRING TRANSFER OF THE UNOBLIGATED BALANCE OF THE APPROPRIATION FOR GOVERNOR-DECLARED DISASTERS TO THE FIRE SUPPRESSION ACCOUNT; REQUIRING TRANSFER OF A CERTAIN PERCENTAGE OF UNEXPENDED GENERAL FUND MONEY TO THE FIRE SUPPRESSION ACCOUNT;

PROVIDING THAT THE MONEY IN THE FIRE SUPPRESSION ACCOUNT MAY NOT EXCEED $100 MILLION; REQUIRING TRANSFER OF AN EXCESS AMOUNT OF CORPORATION LICENSE TAX REVENUE INTO THE FIRE SUPPRESSION ACCOUNT;"

2. Title, page 1, line 10.
Following: "SECTIONS"
Insert: "10-3-312, 17-7-140,"
Following: "17-7-502"
Insert: ","

3. Title, page 1, line 11.
Strike: "AND A TERMINATION DATE"

4. Page 1, line 14.
Following: line 13
Strike: everything after the enacting clause
Insert: "Section 1. Section 10-3-312, MCA, is amended to read:

"10-3-312. Maximum expenditure by governor -- appropriation. (1) Whenever a disaster or an emergency, including an energy emergency as defined in 90-4-302 or an invasive species emergency declared under 80-7-1013, is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund an amount not to exceed $16 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund an amount not to exceed $500,000 during the biennium to meet the state's share of the individual and family grant programs as provided in 42 U.S.C. 5178. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(4) At the end of each biennium, an amount equal to the unexpended and unencumbered balance of the $16 million statutory appropriation in subsection (1), minus any amount appropriated pursuant to 10-3-310 in the same biennium, must be transferred by the state treasurer from the state general fund to the fire suppression account provided for in 76-13-150.""
Insert: "Section 2. Section 17-7-140, MCA, is amended to read:

"17-7-140. Reduction in spending. (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(b), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least 1% of all general fund appropriations during the biennium. An agency may not be required to reduce general fund spending for any program, as defined in each general

appropriations act, by more than 10% during a biennium. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the total of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(b) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

(a) payment of interest and principal on state debt;

(b) the legislative branch;

(c) the judicial branch;

(d) the school BASE funding program, including special education;

(e) salaries of elected officials during their terms of office; and

(f) the Montana school for the deaf and blind.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 2% of the general fund appropriations for the second fiscal year of the biennium prior to October of the year preceding a legislative session;

(ii) 3/4 of 1% in October of the year preceding a legislative session;

(iii) 1/2 of 1% in January of the year in which a legislative session is convened; and

(iv) 1/4 of 1% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid <u>and the cost of the state's wildland fire</u>

suppression activities exceeding the amount statutorily appropriated in 10-3-312, and anticipated reversions.

(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227, the budget director shall notify the revenue and transportation interim committee of the estimated amount. Within 20 days of notification, the revenue and transportation interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue and transportation interim committee prior to certifying a projected general fund budget deficit to the governor.""

Insert: "Section 3. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709;

pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017.)""

Insert: "Section 4. Section 76-13-150, MCA, is amended to read:

"76-13-150. Fire suppression account -- fund transfer. (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for the purpose of paying expenses for fire prevention, including fuel reduction and mitigation, forest restoration, grants for the purchase of fire suppression equipment for county cooperatives, and fire suppression costs.

(5) Interest earned on the balance of the account is retained in the account.

(6) Except as provided in subsections (7) and (8), by August 15 following the end of each fiscal year, an amount equal to the balance of unexpended and unencumbered general fund money appropriated in excess of 0.5% of the total general fund money appropriated for that fiscal year must be transferred by the state treasurer from the general fund to the fire suppression account. General fund appropriations that continue from a fiscal year to the next fiscal year and any general fund appropriations made pursuant to 10-3-310 or 10-3-312 are excluded from the calculation.

(7) The provisions of subsection (6) do not apply in a fiscal year in which reductions required by 17-7-140 occur or if a transfer pursuant to subsection (6) would require reductions pursuant to 17-7-140.

(8) The fund balance in the account may not exceed $100 million.

(9) Up to $5 million each biennium may be used for the purpose of fuel reduction and mitigation and forest restoration.

(10) Money in the account is statutorily appropriated, as provided in 17-7-502, to the department for the purposes described in subsection (4).""

Insert: "NEW SECTION. **Section 5. Fund transfer.** Subject to 76-13-150(8), the following amounts collected from the corporation license tax pursuant to Title 15, chapter 31, and deposited into the state general fund must be transferred to the fire suppression account provided for in 76-13-150:

(1) by August 15, 2013, funds in excess of $152 million collected for the fiscal year ending June 30, 2013;

(2) by August 15, 2014, funds in excess of $156.2 million collected for the fiscal year ending June 30, 2014; and

(3) by August 15, 2015, funds in excess of $157.5 million collected for the fiscal year ending June 30, 2015."

Insert: "NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 586, be amended as follows:

1. Page 12, line 20.
Strike: "$500,000"
Insert: "$640,000"

And, as amended, be concurred in. Report adopted.

HB 625, be amended as follows:

1. Page 1, line 15.
Strike: "FOR"
Insert: "Except as provided in subsection (3), for"

2. Page 1, line 18.
Following: line 17
Insert: "(3) Amounts appropriated by the legislature in the general appropriations act for targeted case management for youth must be used to increase provider rates for targeted case management services for each 15-minute unit of service."

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 4/11/2013
HB 298, be amended as follows:

1. Page 2, line 24.
Strike: "$10,000"
Insert: "$2,500"

And, as amended, be concurred in. Report adopted.

HB 404, be concurred in. Report adopted.
HB 588, be concurred in. Report adopted.
HB 609, be amended as follows:

1. Page 2, line 10.
Strike: "$10,000"
Insert: "$1,000"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/11/2013
SJR 26, do pass. Report adopted.

SR 61, **preliminary report**, be adopted. Report adopted.
SR 62, **preliminary report**, be adopted. Report adopted.

HB 559, be amended as follows:

1. Title, line 12.
Strike: "AND"
Following: "61-3-310,"
Insert: "AND 61-8-725,"

2. Page 14.
Following: line 2
Insert: "Section 8. Section 61-8-725, MCA, is amended to read:

"61-8-725. Penalty for violation of speed limits -- no record for certain violations. (1) A person violating the speed limit imposed pursuant to 61-8-303 shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
$ 20	1 - 10 (daytime)
20	1 - 10 (nighttime)
40	11 - 20
70	21 - 30
100	31+

(2) A violation of a speed limit imposed pursuant to 61-8-303 is not a criminal offense within the meaning of 3-1-317, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and, except as provided in subsection (4), may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

(a) 10 miles an hour during the daytime; or

(b) 5 miles an hour during the nighttime.

(3) The surcharge provided for in 3-1-317 may not be imposed for a violation of 61-8-303.

(4) The recordkeeping restrictions provided in subsection (2) with respect to a person's driving record do not apply to a speed limit violation or conviction that was committed by:

(a) a Montana resident in another state whose violation or conviction was reported to the department by a court or the licensing authority in the state in which the violation occurred; or

(b) a person who holds a commercial driver's license regardless of whether or not the violation occurred while the person was operating a commercial motor vehicle.

(5) This section does not apply to the violation of a special speed zone established under 61-8-309 or 61-8-310.""
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 607, be amended as follows:

1. Page 1, line 24 through line 25.
Strike: "account" on line 24 through "61-3-118" on line 25
Insert: "highway nonrestricted account provided for in 15-70-125"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/11/2013

SB 20, introduced by Jent
SB 107, introduced by Facey
SB 179, introduced by Kaufmann
SB 200, introduced by Vincent
SB 236, introduced by Olson
SB 294, introduced by Arntzen

MOTIONS

Senator Wittich moved to appoint a Conference Committee on **SB 26** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/12/2013

Senator Arthun, Chair
Senator Walker
Senator Jergeson

Senator Wittich moved to appoint a **free** Conference Committee on **SB 101** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/12/2013

Senator Brenden, Chair
Senator Fielder
Senator Facey

Senator Wittich moved to appoint a Conference Committee on **SB 133** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/12/2013

Senator Ripley, Chair
Senator Rosendale
Senator Driscoll

Senator Wittich moved to appoint a **free** Conference Committee on **SB 148** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/12/2013

Senator L. Jones, Chair

Senator Sonju
Senator Hamlett

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 100**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Thomas, Chair
Senator Priest
Senator Jergeson

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 301**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Moore, Chair
Senator Arntzen
Senator Facey

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 395**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Taylor Brown, Chair
Senator Taylor
Senator Phillips

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 184**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Arntzen, Chair
Senator Debby Barrett
Senator Facey

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 206**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Sales, Chair
Senator Fielder
Senator Blewett

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a **free** Conference Committee to meet with a like committee from the House to confer

on Senate amendments to **HB 297**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Sonju, Chair
Senator Dee Brown
Senator Vuckovich

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 473**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Murphy, Chair
Senator Thomas
Senator Caferro

Senator Wittich moved the Senate accede to the request of the House and authorize the President to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 497**. Motion Carried. President Essmann appointed:

4/12/2013

Senator Sales, Chair
Senator Boulanger
Senator Jent

Senator Jergeson moved that **HB 87** be taken from Public Health, Welfare and Safety and brought before the Committee of the Whole on Monday, April 15, 2013, the seventy-ninth legislative day. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 25

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Tutvedt, Vincent, Windy Boy.
Total 3

Senator Buttrey moved to reconsider the indefinite postponement action on **HB 573**. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Brenden, T. Brown, Buttrey, Fielder, Hamlett, Jergeson, Jones, Larsen, Lewis, Murphy, Olson, Peterson, Ripley, Rosendale, Sonju, Thomas, Tropila, Walker, Webb.
Total 22

Nays: Augare, Barrett Dick, Blewett, Boulanger, D. Brown, Caferro, Driscoll, Facey, Jackson, Jent, Kaufmann, Keane, Malek, Moore, Phillips, Priest, Sales, Sesso, Stewart-Peregoy, Taylor, Van Dyk, Vuckovich, Wanzenried, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Tutvedt, Vincent, Windy Boy.
Total 3

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 116 - Senator Facey moved consideration of **HB 116** be placed below item 15 on the second reading board. Without objection, so ordered.

HB 363 - Senator Facey moved **HB 363** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Walker, Webb, Mr. President.
Total 35

Nays: Augare, Barrett Dick, Blewett, Driscoll, Kaufmann, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: Tutvedt, Vincent, Windy Boy.
Total 3

HB 505 - Senator Rosendale moved consideration of **HB 505** be passed for the day, and that **HB 505** be brought before the Committee of the Whole on Monday, April 15, 2013, the seventy-ninth legislative day. Without objection, so ordered.

Senator Tutvedt present at this time.

HB 582 - Senator Jackson moved **HB 582** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Thomas, Tutvedt, Vuckovich, Walker, Webb.
Total 30

Nays: Augare, Blewett, Boulanger, Caferro, Driscoll, Kaufmann, Keane, Larsen, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Wanzenried, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

HB 575 - Senator Arthun moved **HB 575** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

HB 4 - Senator Lewis moved **HB 4** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll,

Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 36

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Moore, Priest, Sales, Sonju, Walker, Webb, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

HB 10 - Senator Buttrey moved **HB 10** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb.
Total 34

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Rosendale, Sales, Taylor, Thomas, Walker, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

HB 11 - Senator Thomas moved consideration of **HB 11** be placed below item 16 on the second reading board. Without objection, so ordered.

HB 86 - Senator T. Brown moved **HB 86** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb.
Total 44

Nays: Priest, Sales, Wittich, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

HB 401 - Senator Debby Barrett moved **HB 401** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 46

Nays: Augare, Stewart-Peregoy.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

HB 444 - Senator Van Dyk moved **HB 444** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Keane, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Sonju, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Mr. President.
Total 32

Nays: Barrett Dick, Boulanger, D. Brown, Buttrey, Jackson, Kaufmann, Larsen, Olson, Rosendale, Sales, Sesso, Taylor, Tutvedt, Walker, Webb, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: Vincent, Windy Boy.
Total 2

Senator Windy Boy present at this time.

HB 355 - Senator Fielder moved **HB 355** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Kaufmann, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 36

Nays: D. Brown, T. Brown, Caferro, Hamlett, Jones, Keane, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Windy Boy rose on a point of personal privilege.

SR 34 - Senator Thomas moved **SR 34** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Barrett Dick, Kaufmann, Malek, Phillips, Stewart-Peregoy, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 583 - Senator Caferro moved **HB 583** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas,

Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 37

Nays: Boulanger, Brenden, Jackson, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Webb, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 320 - Senator Blewett moved **HB 320** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Blewett excused at this time.

HB 498 - Senator Arthun moved **HB 498** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Vincent.
Total 2

Senator Blewett present at this time.

HB 116 - Senator Facey moved **HB 116** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Wanzenried, Mr. President.
Total 33

Nays: Arthun, Augare, D. Brown, Caferro, Fielder, Moore, Priest, Rosendale, Sales, Sesso, Stewart-Peregoy, Vuckovich, Walker, Webb, Windy Boy, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Windy Boy expressed a conflict of interest before voting on **HB 116**.

HB 254 - Senator Larsen moved **HB 254** be concurred in.

HB 254 - Senator Fielder moved **HB 254**, second reading copy, be amended as follows:

1. Page 1, line 17.
Following: "CONTENT."
Insert: "Contributions under the threshold amount in 13-37-229 are not considered anonymous as that term is used in this section."

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 20

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey,

Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 254 - Thereupon, the Senate reverted to the original motion of Senator Larsen which passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 38

Nays: Boulanger, Brenden, Lewis, Moore, Murphy, Rosendale, Sales, Taylor, Walker, Webb, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 11 - Senator Brenden moved **HB 11** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Sales, Walker.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 94 - **House Amendments** - Senator D. Brown moved House amendments to **SB 94** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: T. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Olson excused at this time.

SB 183 - **House Amendments** - Senator Arntzen moved House amendments to **SB 183** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson, Vincent.
Total 2

SB 250 - **House Amendments** - Senator Debby Barrett moved House amendments to **SB 250** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson, Vincent.
Total 2

SB 105 - **Governor's Amendments** - Senator T. Brown moved Governor's amendments to **SB 105** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Mr. President.
Total 25

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: Olson, Vincent.
Total 2

SB 305 - **House Amendments** - Senator Peterson moved House amendments to **SB 305** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson, Vincent.
Total 2

SB 325 - Senator Buttrey moved consideration of **SB 325** be passed for the day. Without objection, so ordered.

SB 160 - **House Amendments** - Senator Tropila moved House amendments to **SB 160** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Olson, Vincent.
Total 2

Senator Olson present at this time.

SB 275 - **House Amendments** - Senator Buttrey moved House amendments to **SB 275** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Blewett.
Total 1

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

At the request of the bill sponsor, Chairman Walker announced **SB 325** would be heard this date despite the previous motion to pass for the day.

SB 325 - **House Amendments** - Senator Olson moved House amendments to **SB 325** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Augare, Blewett, Driscoll, Facey, Fielder, Kaufmann, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 605 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: D. Brown, Fielder, Murphy, Priest, Ripley, Sales, Tropila, Van Dyk, Wanzenried.
Total 9

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 324, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Augare, Blewett, Kaufmann, Tropila, Van Dyk, Wanzenried.
Total 6

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 336, as amended by the House, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Moore, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 337, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Augare, Barrett Dick, Facey, Kaufmann, Malek, Stewart-Peregoy, Van Dyk.
Total 7

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

HB 131, **as amended by the Governor**, concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

REPORTS OF STANDING COMMITTEES

TAXATION (Tutvedt, Chair): 4/12/2013
SJR 30, do pass. Report adopted.
SR 63, be adopted. Report adopted.

MOTIONS

Senator Ripley moved **HB 583** be referred to the Finance and Claims committee. Motion **failed** as follows:

Yeas: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Webb, Wittich.
Total 18

Nays: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SPECIAL ORDERS OF THE DAY

SR 41 - Senator Brenden moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 41.** Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SR 44 - Senator Peterson moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 44.** Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SR 45 - Senator Peterson moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 45.** Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SR 50 - Senator Priest moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 50.** Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SR 54 - Senator Arthun moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 54.** Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Brenden, Lewis.
Total 2

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

Senator Taylor thanked the pages for their service the past week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 9:00 a.m., Saturday, April 13, 2013, the seventy-eighth legislative day. Motion carried.

Senate adjourned at 3:12 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 13, 2013 — State Capitol

Senate convened at 9:03 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/13/2013

Correctly printed: **SJR 26**, **SJR 30**, **SR 63**, **HB 4**, **HB 10**, **HB 11**, **HB 86**, **HB 87**, **HB 116**, **HB 254**, **HB 355**, **HB 363**, **HB 404**, **HB 444**, **HB 498**, **HB 509**, **HB 575**, **HB 582**, **HB 583**, **HB 588**, **HB 591**, **HB 630**.
Correctly engrossed: **SR 34**, **HB 320**, **HB 401**.
Examined by the sponsor and found to be correct: **SB 20**, **SB 107**, **SB 112**, **SB 127**, **SB 144**, **SB 179**, **SB 200**, **SB 236**, **SB 242**, **SB 269**, **SB 294**.
Transmitted to the House: **HB 3**, **HB 605**.

Senator Wittich rose on a point of personal privilege.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 4/12/2013
SR 46, be adopted. Report adopted.
SR 48, be adopted. Report adopted.
SR 55, be adopted. Report adopted.
HB 447, be amended as follows:

1. Page 1, line 17.
Strike: "was"
Insert: "has been"

2. Page 1, line 18.
Following: "school"
Insert: "either prior to or after military service"

3. Page 1, line 19.
Strike: "that institution"
Insert: "an accredited state university or state vocational or technical school"

4. Page 1, line 20.

Strike: "$500"
Insert: "$1,000"

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/12/2013
HB 420, be amended as follows:

1. Page 4, line 17.
Strike: "$105,000"
Insert: "$1"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/12/2013
HB 414, be amended as follows:

1. Title, line 4.
Strike: "A PLACE OF ABODE"
Insert: "AN INTEREST IN REAL PROPERTY"

2. Title, line 5.
Strike: "ABODE"
Insert: "REAL PROPERTY"

3. Page 1, line 28.
Strike: "a place of abode"
Insert: "an interest in real property"

4. Page 2, line 18.
Strike: "a place of abode"
Insert: "an interest in real property"

5. Page 2, line 19.
Strike: "abode"
Insert: "real property"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/12/2013
HB 262, be concurred in. Report adopted.
HB 604, be amended as follows:

1. Page 2, line 1.
Strike: "president of the senate"

Insert: "senate committee on committees"

2. Page 2, line 16.
Following: "filled by"
Insert: "an individual appointed by"

And, as amended, be concurred in. Report adopted.

HB 623, be amended as follows:

1. Title, page 1, line 8.
Following: "~~INSURANCE;~~"
Insert: "PROVIDING GRANTS TO ASSIST CERTAIN INDIVIDUALS WITH THE PURCHASE OF HEALTH INSURANCE; ESTABLISHING A SELECT COMMITTEE ON MEDICAID INNOVATION, REFORM, AND EXPANSION;"

2. Title, page 1, line 9.
Following: "GRADUATES;"
Insert: "ESTABLISHING HOSPITAL CHARITY CARE STANDARDS AS A REQUIREMENT FOR EXEMPTION FROM STATE TAXES; PROVIDING FOR REFORMS TO THE STATE MEDICAID PROGRAM; ELIMINATING THE INSURE MONTANA PROGRAM; CREATING SPECIAL REVENUE ACCOUNTS; PROVIDING DEFINITIONS;"

3. Title, page 1, line 11.
Following: "PROVIDING"
Strike: "AN APPROPRIATION;"
Insert: "A STATUTORY APPROPRIATION AND APPROPRIATIONS; TRANSFERRING FUNDS;"

4. Title, page 1, line 12.
Following: "~~17-7-502,~~"
Insert: "15-6-201, 15-30-2110, 15-30-2618, 15-31-102, 15-31-511, 17-6-606, 17-7-502, 33-22-1513, 33-22-1815, 33-22-1816, 45-6-301,"
Following: "50-4-716~~,~~"
Strike: "AND"
Insert: ","
Following: "50-4-720,"
Insert: "53-4-1004, AND 53-6-1201, MCA; REPEALING SECTIONS 15-30-2368, 15-31-130, 33-22-2001, 33-22-2002, 33-22-2003, 33-22-2004, 33-22-2005, 33-22-2006, 33-22-2007, 33-22-2008, 33-22-2009, 53-2-216, AND 53-2-217, MCA;"2
Following: "~~,~~"
Insert: ","
Strike: "AND"

5. Title, page 1, line 13.
Following: "~~DATE~~"

Insert: ", AND A TERMINATION DATE"

6. Page 1.
Following: Line 13.
Insert: "WHEREAS, state government budgets have come under pressure in recent years because of prevailing national economic conditions; and

WHEREAS, the costs of providing social services make up a large portion of state government budgets; and

WHEREAS, new approaches to funding social services may result in lower costs and better outcomes over the course of time; and

WHEREAS, the Department of Public Health and Human Services has the authority to seek waivers from the federal government to provide Medicaid services in new ways that may improve the delivery of the services or reduce the costs of the services; and

WHEREAS, the 62nd Legislature passed Senate Bill No. 221 to contain health care costs through the authorization of accountable care organizations; and

WHEREAS, the 63rd Legislature passed Senate Bill No. 84 to contain health care costs through the establishment of standards and a structure for patient-centered medical homes; and

WHEREAS, the Patient Protection and Affordable Care Act required the expansion of the state-federal Medicaid program to nonelderly, nondisabled, and nonpregnant individuals between the ages of 18 and 65 who are at or below 138% of the federal poverty level; and

WHEREAS, the U.S. Supreme Court ruling in National Federation of Independent Business v. Sebelius in essence gave states the option of choosing whether to participate in the expansion of the Medicaid program; and

WHEREAS, Democratic and Republican governors in several states are exploring alternatives to a straight expansion of the Medicaid program as provided for under the Patient Protection and Affordable Care Act; and

WHEREAS, the Congressional Budget Office reported in February 2013 that Medicaid accounted for 40% of the federal spending on government programs assisting low-income individuals in 2012; and

WHEREAS, growth in the Medicaid program nationally has averaged about 7% percent a year above the rate of inflation, according to the Congressional Budget Office; and

WHEREAS, Medicaid spending accounts for 25% of the total proposed state budget for the 2015 biennium and 14% of the total general fund budget."

7. Page 1.
Following: line 15
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Short title.** [Sections 1 through 8] may be cited as the "Roadmap to a Healthier Montana Act"."
Insert: "NEW SECTION. **Section 2. Legislative findings and intent.** (1) The intent of [sections 1 through 8] is to modify and enhance Montana's health care delivery system to provide access to quality and affordable health care and health insurance for all Montanans.

(2) The legislature finds that in order to achieve the purposes of [sections 1 through 8], collaboration between state government and parties interested in quality and affordable health care is necessary in order to:

(a) increase the number of Montanans with private health insurance coverage;

(b) make the delivery of health care services more efficient and cost-effective by offering incentives to reach better performance outcomes, improve coordination of care, reduce preventable hospital readmissions, and implement reimbursement methodologies that promote quality of care and cost savings;

(c) contain health care costs by curbing wasteful spending, avoiding unnecessary use of health care services, and reducing fraud;

(d) ensure an adequate supply of health care professionals throughout the state;

(e) provide incentives that result in Montanans taking greater responsibility for their personal health; and

(f) reduce or minimize the shifting of payment for unreimbursed health care costs to patients with private insurance."

Insert: "NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 8], the following definitions apply:

(1) "Charity care" means the actual costs of care provided by a hospital to individuals who are at or below 100% of the federal poverty level and who are not eligible for:

(a) health care benefits offered through a publicly funded program;

(b) a health insurance plan offered through an employer; or

(c) other insurance or coverage.

(2) "Committee" means the select committee on medicaid innovation, reform, and expansion provided for in [section 4].

(3) "Hospital" means a hospital or critical access hospital as those terms are defined in 50-5-101.

(4) "Resident" means an individual who meets the requirements of 1-1-215."

Insert: "NEW SECTION. **Section 4. Select committee on medicaid innovation, reform, and expansion -- membership.**(1) There is a select committee on medicaid innovation, reform, and expansion.

(2) (a) The committee consists of 12 members appointed as follows:

(i) three members who served in the senate during the 63rd legislative session and who are appointed by the president of the senate;

(ii) three members who served in the house of representatives during the 63rd legislature and who are appointed by the speaker of the house of representatives; and

(iii) six members of the public, three of whom are appointed by the president of the senate and three of whom are appointed by the speaker of the house of representatives.

(b) The public members must be selected as follows:

(i) one representative of a hospital;

(ii) one primary care physician;

(iii) one health insurer with significant experience doing business in Montana;

(iv) one member of the executive branch selected from a list of nominees submitted by the governor; and

(v) two members of the public with business or health policy experience.

(c) No more than two of the legislative members appointed from each house may be members of the same political party.

(d) Appointments must be made before May 30, 2013.

(3) (a) If a vacancy occurs when the legislature is not in session, the vacancy must be filled

by an individual appointed by the person who made the original appointment.

(b) A legislative member shall serve until the member's term of office as a legislator ends or until a successor is appointed, whichever occurs first. A person appointed to replace a legislative member of the committee must be from the same house and political party as the member whose vacancy is being filled.

(4) (a) The committee shall elect a presiding officer and a vice presiding officer. The officers may not be from the same political party.

(b) The committee may elect other officers it considers necessary.

(5) The presiding officer shall establish the meeting schedule. The committee may meet during legislative sessions.

(6) Members are entitled to receive compensation and expenses as provided in 5-2-302.

(7) The legislative services division shall provide staff assistance to the committee. The committee may request that personnel from state agencies and from political subdivisions furnish information and provide assistance.

(8) The committee may contract for services that will assist members in carrying out their duties under [section 5] subject to available funding and in accordance with the provisions of Title 18, chapter 4."

Insert: "NEW SECTION. **Section 5. Committee duties.** (1) The committee shall review:

(a) the Montana medicaid program and ways to make it more efficient and cost-effective;

(b) legislative proposals for changes to the medicaid program;

(c) the potential effects of an expansion of the medicaid program on the community benefit offered by hospitals in order to maintain their tax-exempt status; and

(d) opportunities for reducing or minimizing the shifting of payment for unreimbursed health care costs to patients with private insurance.

(2) In conducting its review of the medicaid program, the committee shall:

(a) consider the fiscal soundness and efficiency of the medicaid program;

(b) consider the cost of expanding the state medicaid program as allowed under Public Law 111-148 and Public Law 111-152;

(c) recommend principles of sound fiscal and public policy as guidelines for innovation, expansion, and sustainability of the current medicaid program;

(d) propose legislation to keep the medicaid program within the guidelines of sound public policy;

(e) review and recommend to the legislature whether the state should pursue federal waiver authority in order to meet public policy guidelines at a lower fiscal impact;

(f) examine ways to improve patient outcomes, including appropriate goals for patient outcomes and ways to measure outcomes;

(g) review whether recipients who became eligible for medicaid under the expansion allowed by Public Law 111-148 and Public Law 111-152 should share the costs of medical services;

(h) review the departments efforts to strengthen primary care case management, transition to a managed care model, and institute value-based purchasing and comprehensive medication management services pursuant to [sections 12 through 14];

(i) determine whether private health plans may better target the needs of medicaid recipients and how private plans may be selected to offer coverage to recipients;

(j) evaluate whether significant structural reforms could reverse the trend of increasing medicaid costs without reducing current eligibility standards; and

(k) examine ways in which to reform the delivery of medicaid services.

(3) The committee shall develop recommendations that address the following items:

(a) whether new payment methods have the potential to reduce costs to the state;

(b) an analysis of the costs of sustaining and expanding the medicaid program;

(c) a long-term sustainable financing model;

(d) new delivery models that support quality care and cost control; and

(e) an analysis of methods of increasing pricing transparency and equitable patient access in the system.

(4) The committee shall examine information about the effects of allowing market-based approaches in providing services to medicaid recipients, including but not limited to:

(a) customized benefit packages;

(b) enhanced benefits for participating in healthy behaviors; and

(c) risk-adjusted premiums based on recipient health status.

(5) (a) The committee shall solicit proposed statutory changes to the state's medicaid program from committee members, legislators, medicaid providers, advocacy organizations, and other interested parties. The committee shall review the proposals and report to the legislature on each proposal. The report must include but is not limited to:

(i) a summary of the fiscal and public policy implications of the proposal;

(ii) an analysis of the effect of the proposal on the state's general fund, including potential impacts on the amount of money available for other programs;

(iii) an analysis of the soundness of the proposal as a matter of public policy;

(iv) any amendments proposed by the committee; and

(v) the committee's recommendation on whether the proposal should be enacted by the legislature.

(b) The committee's report must be attached to any proposal that the committee considered and that is or has been introduced as a bill during a legislative session.

(6) (a) The committee shall adopt a study plan by a majority vote of the committee. The plan may be amended by majority vote.

(b) The plan may specify the date by which proposals affecting the medicaid program must be submitted to the committee."

Insert: "NEW SECTION. **Section 6. Education and outreach.** (1) The department shall undertake activities to increase public awareness of and knowledge about the options for obtaining health insurance coverage, including but not limited to the availability of federal tax credits for purchasing insurance, the availability of the state income-enhancement grants provided for in [section 7], and the ways in which the health exchange may be used to review and decide on insurance options. The activities may include but are not limited to a statewide media campaign and distribution of educational materials through health care facilities, health care providers, and organizations that work with low-income individuals.

(2) The department shall report on its plans and activities under this section to legislative committees as required by law or requested by a legislative committee."

Insert: "NEW SECTION. **Section 7. Income-enhancement grant program -- eligibility -- purpose of grants -- rulemaking.** (1) The department may provide a grant to an individual meeting the requirements of this section in order to allow the individual to purchase a qualified health plan as defined in 42 U.S.C. 18021(a). The department shall use available funding to allow the greatest number of people possible to qualify for health insurance coverage under this section.

(2) The grants must be:

(a) considered income for the purposes of purchasing a qualified health plan; and

(b) used as provided in subsection (7).

(3) An individual may qualify for a grant under this section if the individual has been a Montana resident for at least 1 year and:

(a) is a full-time student;

(b) works at least 30 hours a week for at least 10 months a year;

(c) is the primary caregiver for a dependent relative; or (d) provides full-time care for the individual's school-aged children while the individual's spouse works.

(4) An individual is ineligible for a grant if the individual:

(a) is eligible for any other public program that provides health care benefits or health insurance coverage;

(b) may be included as a dependent on a qualified health plan for which the individual's parent is eligible; or

(c) has the opportunity to participate in a qualified health plan offered by the individual's employer.

(5) (a) An individual shall submit a grant application no later than 15 days after:

(i) the open enrollment period for the health insurance exchange established pursuant to 42 U.S.C. 18031 has closed; or

(ii) the deadline for applying for insurance coverage because of a change in circumstances as allowed under 42 U.S.C. 18082.

(b) An applicant shall provide proof as required by the department that the individual:

(i) applied for a qualified health plan through the health insurance exchange; and

(ii) was determined to be ineligible for premium assistance as allowed under 42 U.S.C. 18082 because the modified adjusted gross income for the individual's household is at or below 100% of the federal poverty level.

(6) Until December 31, 2015, the department shall give preference to applicants who in 2013 were receiving premium assistance payments under the small business health insurance purchasing pool that operated under Title 33, chapter 22, part 20, prior to January 1, 2014.

(7) The grant amount must be held on behalf of the individual by the department or by a vendor designated by the department and must be used to pay, in the order listed, the following expenses until the grant is fully expended:

(a) the costs of premiums for a qualified health plan;

(b) cost-sharing requirements for health care services; and

(c) the costs of items that are eligible for reimbursement under 26 U.S.C. 213 and related federal regulations.

(8) (a) A grant provided under this section must be reported as income to the internal revenue service.

(b) The department shall file an internal revenue service form 1099 with the internal revenue service for each grant it makes and shall provide each individual receiving a grant with a copy of the form for the purpose of claiming the grant as income on federal tax forms.

(9) (a) An individual who receives a grant under this section may reapply for additional grants in future years.

(b) Only one grant may be made per household.

(10) The department shall adopt rules to carry out the provisions of this section, including but not limited to rules establishing:

(a) procedures for accepting and approving applications;

(b) the documentation required for obtaining a grant and for payment of claims for health care services and items; and

(c) the manner in which money will be held and paid out on behalf of qualifying individuals."

Insert: "NEW SECTION. **Section 8. Hospital charity care requirements -- appeal process -- donation in lieu of charity care.** (1) A hospital granted an exemption from taxation under 26 U.S.C. 501(c)(3) and 15-6-201 shall provide charity care as required under this section in order to maintain the hospital's tax-exempt status under 15-6-201 and 15-31-102.

(2) A hospital shall provide charity care each year in an amount equal to the amount of financial assistance at cost that the hospital claims on schedule H of internal revenue service form 990 excluding medicaid and the costs of other means-tested government programs.

(3) (a) A hospital shall provide documentation to the department of revenue as required by rule of the amount of charity care the hospital provided during the tax year.

(b) If the amount of charity care provided does not meet the requirements of subsection (2), the department shall notify the hospital and the department of revenue of the discrepancy.

(4) If the department of revenue determines that the hospital is no longer eligible for tax exemption, it shall clearly state the reasons for loss of eligibility in a final written decision sent to the hospital by mail.

(5) A hospital may seek review of the decision from the state tax appeal board pursuant to 15-2-302.

(6) In lieu or providing any or all of the amount of charity care required under this section, a hospital may donate for deposit in the income-enhancement grant special revenue account provided for in [section 9] an amount of money that is equal to the hospital's full or unmet charity care obligation."

Insert: "NEW SECTION. **Section 9. Income-enhancement grant special revenue account -- statutory appropriation.** (1) There is an account in the state special revenue fund for the following purposes:

(a) providing income-enhancement grants pursuant to [section 7]; and

(b) paying obligations incurred prior to January 1, 2014, under the Montana comprehensive health association plan provided for in Title 33, chapter 22, part 15, or the small business purchasing program that was provided for in Title 33, chapter 22, part 20, prior to January 1, 2014. Funds from other payment sources available to the programs must be expended before claims are paid out of the account.

(2) Money from the following sources must be deposited in the account:

(a) excess revenue collected for the Montana comprehensive health association plan as provided in 33-22-1513;

(b) the proceeds of a conversion transaction that is approved pursuant to Title 50, chapter 4, part 7;

(c) contributions made by a hospital in lieu of charity care as allowed under [section 8];

(d) tobacco settlement funds as provided in 17-6-606; and

(e) funds transferred by the legislature for the income-enhancement grant program.

(3) Any amount in the account that is not otherwise appropriated by law is statutorily appropriated, as provided in 17-7-502, from the account to the department for the income-enhancement grant program provided for in [section 7]."

Insert: "NEW SECTION. **Section 10. Practice requirements for medical education**

programs. (1) A Montana resident participating in the following medical education programs shall repay the tuition paid by the state on the student's behalf:

(a) the program involving the university of Washington school of medicine and available to students in Washington, Wyoming, Alaska, Montana, and Idaho; and

(b) physician education programs arranged through the western interstate commission for higher education.

(2) Before enrolling in a medical education program listed in subsection (1), a student shall agree to repay the amount owed by:

(a) actively engaging in professional practice in Montana as provided in subsection (3); or

(b) repaying the amount expended by the state on behalf of the student, plus interest that begins accruing upon the later of:

(i) completion of a medical residency; or

(ii) 8 years after the date upon which the agreement was entered.

(3) (a) An individual who chooses to engage in professional practice in Montana to meet the requirements of this section must:

(i) be a graduate of the medical education program for which support was received; and

(ii) be employed in professional practice in Montana for 1 year for each year of state support the individual received. Employment must be in the field for which the individual received financial support.

(b) Employment in an in-state medical residency program qualifies as employment for the purposes of this subsection (3).

(c) An individual who fails to complete the medical education program or the professional practice requirements shall repay the state's costs for the individual's medical education. The board of regents shall establish how repayment will be recalculated for individuals who do not complete the full professional practice requirements of this subsection (3).

(4) An individual who chooses to repay the amount owed shall complete repayment within 10 years of the time the amount becomes due.

(5) Interest accrues at an annual rate equal to the prime rate as reported by the Wall Street Journal's bank survey, plus 4%.

(6) The board of regents may allow deferment of repayment for an individual who is:

(a) in an out-of-state medical residency program while the person remains in the residency program;

(b) performing a service obligation imposed by the national health service corps, the Indian health service, or any uniformed services scholarship program while the person is performing the service; or

(c) on active duty with the armed forces of the United States.

(7) The board of regents may not assess the fee provided for in 20-26-1502 against an individual who agrees to repay the tuition subsidy by engaging in professional practice in Montana unless the individual fails to complete the medical education program or the service requirement."

Insert: "NEW SECTION. **Section 11. Medical education special revenue account.**(1) There is an account in the state special revenue fund for the purposes of supporting the following medical education programs:

(a) the program involving the university of Washington school of medicine and available to students in Washington, Wyoming, Alaska, Montana, and Idaho; and

(b) physician education programs arranged through the western interstate commission for

higher education.

(2) State tuition support repaid pursuant to [section 10] must be deposited in the account.

(3) Money in the account is available to the office of the commissioner of higher education by appropriation and must be used to pay for the medical education programs listed in subsection (1)."

Insert: "NEW SECTION. **Section 12. Reform of public health care programs.** (1) The department shall undertake efforts to redesign and reform the Montana medicaid program and the healthy Montana kids program as outlined in this section. The department shall include parties interested in the operation of the programs in the process of developing and implementing the reforms.

(2) No later than October 1, 2013, the department shall require physicians participating in any primary care case management program to see a medicaid recipient assigned to their care within 72 hours of the recipient's request for an appointment.

(3) No later than January 1, 2014, the department shall:

(a) initiate the transition from a fee-for-service payment model to a capitated payment model;

(b) design and implement a plan to reduce use of hospital emergency departments for nonemergency care, using methods that include but are not limited to:

(i) the evaluation by nurses of the level of care a patient may need;

(ii) targeted patient education; and

(iii) increased monitoring of excessive emergency room use and behavior that may indicate that an individual is seeking prescription drugs from multiple sources;

(c) implement the patient-centered medical home model of care as established by the commissioner of insurance; and

(d) develop a system for making bundled payments for identified high-cost medical procedures and treatments."

Insert: "NEW SECTION. **Section 13. Value-based purchasing.** (1) The department shall establish a value-based purchasing system for the medicaid program. The program shall allow for incentive payments to the following providers if the providers meet established performance standards:

(a) hospitals;

(b) physicians;

(c) long-term care facilities; and

(d) home health care agencies.

(2) The department shall identify quality indicators and benchmarks using standards established by the medicare value-based purchasing program authorized pursuant to 42 U.S.C. 1395ww.

(3) The department shall require the providers listed in subsection (1) to begin reporting by July 1, 2014, the data required for quality indicators identified by the department.

(4) Medicaid payments to providers may be adjusted beginning in fiscal year 2016 to recognize a provider's compliance with quality indicators and benchmarks established pursuant to this section."

Insert: "NEW SECTION. **Section 14. Comprehensive medication management services.** (1) The legislature finds that comprehensive medication management services allow an assessment of an individual's medications to ensure that:

(a) the medications are appropriate and effective for the medical conditions being treated;

(b) the medications are safe when taken in conjunction with other medication prescribed to the patient; and

(c) the patient is able and willing to take the medications as intended.

(2) The legislature further finds that providing comprehensive medication management services to medicaid recipients who are taking five or more prescription medications to treat two or more chronic medical conditions will improve the recipient's health outcomes and generate savings to the medicaid program through a reduction in the use of emergency room care, provider visits, hospital costs, and long-term care facility admissions.

(3) (a) Comprehensive medication management services provided under this section include the following services:

(i) assessment of the recipient's health status, including a review of the recipient's personal medication experience, history, preferences, and beliefs and the identification and recording of the recipient's actual use patterns of all prescribed medications and over-the-counter medications and supplements, including bioactive supplements;

(ii) documentation of the recipient's current clinical status and the clinical goals of therapy for each identified chronic condition for which medication therapy is indicated;

(iii) assessment of each medication prescribed to the recipient for appropriateness, effectiveness, safety, and adherence to use, with a focus on achieving the desired clinical and recipient goals;

(iv) identification of all drug therapy problems, including additions, deletions, or changes in dosages needed to achieve desired clinical outcomes;

(v) development, with the patient, of a written comprehensive medication care plan that addresses recommended steps including any changes needed to achieve optimal outcomes; and

(vi) documentation and followup evaluations with the recipient to determine the effects of changes, reassess clinical outcomes, and recommend further therapeutic changes to achieve desired clinical goals and outcomes within the context of a broader coordinated care team.

(b) The services must be provided in accordance with standards of professional practice for the individuals authorized to provide the services.

(4) The department shall plan for and, to the extent allowed by law, implement comprehensive medication management services for the medicaid program using the guidelines established in this section. In developing the plan, the department shall work with representatives from the following entities to assess the costs and savings associated with providing the services:

(a) a chain pharmacy;

(b) an independent pharmacy;

(c) a statewide organization representing Montana pharmacists;

(d) a statewide organization representing Montana physicians; and

(e) the university of Montana school of pharmacy.

(5) The department shall report no later than August 15, 2014, to an appropriate legislative committee on the results of its planning efforts, including but not limited to:

(a) the potential costs and savings;

(b) any information technology needs related to providing comprehensive medication management services; and

(c) the need for changes to state law to allow the department to fully implement comprehensive medication management services for medicaid recipients identified in subsection (1).

(6) (a) To be eligible for reimbursement for comprehensive medication management services, an individual must be:

(i) a physician licensed pursuant to Title 37, chapter 3;

(ii) a pharmacist licensed pursuant to Title 37, chapter 7;

(iii) an advanced practice registered nurse licensed pursuant to Title 37, chapter 8, if the nurse is authorized to prescribe medication; or

(iv) a physician assistant licensed pursuant to Title 37, chapter 20; and

(v) practicing in an ambulatory care setting as part of a multidisciplinary team or using a structured patient care process that is offered in a private or semiprivate recipient care area, in a home setting, or by telephone in direct communication with the recipient if a hardship prevents the recipient from obtaining the services in person.

(b) Reimbursement for comprehensive medication management services may be made on a fee-for-services basis.

(c) An individual providing comprehensive medication management services must be using an electronic system that is able to:

(i) adequately record and share medication care plans for use by a recipient and a prescriber;

(ii) generate reports to document drug therapy problem identification and resolution and show changes in the achievement of clinical goals;

(iii) substantiate all of the requirments of comprehensive medication management services as described in subsection (3), including documenting interactions with recipients and prescribers; and

(iv) adequately capture the work performed to substantiate the appropriate complexity level for billing in a fee-for-service or managed care arrangement."

Insert: "Section 15. Section 15-6-201, MCA, is amended to read:

"15-6-201. Governmental, charitable, and educational categories -- exempt property. (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operated for gain or profit;

(iv) municipal corporations;

(v) public libraries;

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(vii) special districts created pursuant to Title 7, chapter 11, part 10; and

(viii) subject to subsection (2), federally recognized Indian tribes in the state if the property is located entirely within the exterior boundaries of the reservation of the tribe that owns the property and the property is used exclusively by the tribe for essential government services. Essential government services are tribal government administration, fire, police, public health, education, recreation, sewer, water, pollution control, public transit, and public parks and recreational facilities.

(b) buildings and furnishings in the buildings that are owned by a church and used for actual religious worship or for residences of the clergy, not to exceed one residence for each member of the clergy, together with the land that the buildings occupy and adjacent land reasonably necessary for convenient use of the buildings, which must be identified in the application, and all land and improvements used for educational or youth recreational activities if the facilities are generally available for use by the general public but may not exceed 15 acres for a church or 1 acre for a clergy residence after subtracting any area required by zoning, building codes, or subdivision requirements;

(c) land and improvements upon the land, not to exceed 15 acres, owned by a federally recognized Indian tribe when the land has been set aside by tribal resolution and designated as sacred land to be used exclusively for religious purposes;

(d) property owned and used exclusively for agricultural and horticultural societies not operated for gain or profit;

(e) property, not to exceed 80 acres, which must be legally described in the application for the exemption, used exclusively for educational purposes, including dormitories and food service buildings for the use of students in attendance and other structures necessary for the operation and maintenance of an educational institution that:

(i) is not operated for gain or profit;

(ii) has an attendance policy; and

(iii) has a definable curriculum with systematic instruction;

(f) property, of any acreage, owned by a tribal corporation created for the sole purpose of establishing schools, colleges, and universities if the property meets the requirements of subsection (1)(e);

(g) <u>except as provided in subsection (3),</u> property used exclusively for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(h) property that is:

(i) (A) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21; or

(B) owned by a federally recognized Indian tribe within the state and set aside by tribal resolution; and

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and not operated for gain or profit;

(i) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(j) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(k) public museums, art galleries, zoos, and observatories that are not operated for gain or profit;

(l) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers

for uses other than the irrigation of agricultural land;

(m) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(n) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and

(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit; and

(o) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(o), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(2) (a) (i) For the purposes of tribal property under subsection (1)(a)(viii), the property subject to exemption may not be:

(A) operated for gain or profit;

(B) held under contract to operate, lease, or sell by a taxable individual;

(C) used or possessed exclusively by a taxable individual or entity; or

(D) held by a tribal corporation except for educational purposes as provided in subsection (1)(f).

(ii) For the purposes of parks and recreational facilities under subsection (1)(a)(viii), the property must be:

(A) set aside by tribal resolution and designated as park land, not to exceed 15 acres, or be designated as a recreational facility; and

(B) open to the general public.

(b) For the purposes of subsection (1)(b), the term "clergy" means, as recognized under the federal Internal Revenue Code:

(i) an ordained minister, priest, or rabbi;

(ii) a commissioned or licensed minister of a church or church denomination that ordains ministers if the person has the authority to perform substantially all the religious duties of the church or denomination;

(iii) a member of a religious order who has taken a vow of poverty; or

(iv) a Christian Science practitioner.

(c) For the purposes of subsection (1)(i):

(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural

property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(iii) up to 15 acres of property owned by a purely public charity is exempt at the time of its purchase even if the property must be improved before it can directly be used for its intended charitable purpose. If the property is not directly used for the charitable purpose within 8 years of receiving an exemption under this section or if the property is sold or transferred before it entered direct charitable use, the exemption is revoked and the property is taxable. In addition to taxes due for the first year that the property becomes taxable, the owner of the property shall pay an amount equal to the amount of the tax due that year times the number of years that the property was tax-exempt under this section. The amount due is a lien upon the property and when collected must be distributed by the treasurer to funds and accounts in the same ratio as property tax collected on the property is distributed. At the time the exemption is granted, the department shall file a notice with the clerk and recorder in the county in which the property is located. The notice must indicate that an exemption pursuant to this section has been granted. The notice must describe the penalty for default under this section and must specify that a default under this section will create a lien on the property by operation of law. The notice must be on a form prescribed by the department.

(iv) not more than 160 acres may be exempted by a purely public charity under any exemption originally applied for after December 31, 2004. An application for exemption under this section must contain a legal description of the property for which the exemption is requested.

(d) For the purposes of subsection (1)(k), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property owned by the public museum, art gallery, zoo, or observatory that is reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(3) If a nonprofit health care facility subject to the charity care requirements of [section 8] fails to meet the requirements of that section, the property owned by the facility is not exempt from taxation for the tax year in which the facility failed to meet the requirements of [section 8]."

Insert: "Section 16. Section 15-30-2110, MCA, is amended to read:

"15-30-2110. Adjusted gross income. (1) Subject to subsection (13), adjusted gross income is the taxpayer's federal adjusted gross income as defined in section 62 of the Internal Revenue Code, 26 U.S.C. 62, and in addition includes the following:

(a) (i) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision of another state, except to the extent that the interest is exempt

from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (1)(a)(i);

(b) refunds received of federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability;

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(d) depreciation or amortization taken on a title plant as defined in 33-25-105;

(e) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(f) if the state taxable distribution of an estate or trust is greater than the federal taxable distribution of the same estate or trust, the difference between the state taxable distribution and the federal taxable distribution of the same estate or trust for the same tax period; and

(g) except for exempt-interest dividends described in subsection (2)(a)(ii), for tax years commencing after December 31, 2002, the amount of any dividend to the extent that the dividend is not included in federal adjusted gross income.

(2) Notwithstanding the provisions of the Internal Revenue Code, adjusted gross income does not include the following, which are exempt from taxation under this chapter:

(a) (i) all interest income from obligations of the United States government, the state of Montana, or a county, municipality, district, or other political subdivision of the state and any other interest income that is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (2)(a)(i);

(b) interest income earned by a taxpayer who is 65 years of age or older in a tax year up to and including $800 for a taxpayer filing a separate return and $1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first $3,600 of all pension and annuity income received as defined in 15-30-2101;

(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (2)(c)(i) by $2 for every $1 of federal adjusted gross income in excess of $30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by $2 for every $1 of federal adjusted gross income in excess of $30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);

(f) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by a person for services rendered to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law;

(i) all money received because of a settlement agreement or judgment in a lawsuit brought

against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange";

(j) principal and income in a medical care savings account established in accordance with 15-61-201 or withdrawn from an account for eligible medical expenses, as defined in 15-61-102, of the taxpayer or a dependent of the taxpayer or for the long-term care of the taxpayer or a dependent of the taxpayer;

(k) principal and income in a first-time home buyer savings account established in accordance with 15-63-201 or withdrawn from an account for eligible costs, as provided in 15-63-202(7), for the first-time purchase of a single-family residence;

(l) contributions withdrawn from a family education savings account or earnings withdrawn from a family education savings account for qualified higher education expenses, as defined in 15-62-103, of a designated beneficiary;

(m) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(n) if the federal taxable distribution of an estate or trust is greater than the state taxable distribution of the same estate or trust, the difference between the federal taxable distribution and the state taxable distribution of the same estate or trust for the same tax period;

(o) deposits, not exceeding the amount set forth in 15-30-3003, deposited in a Montana farm and ranch risk management account, as provided in 15-30-3001 through 15-30-3005, in any tax year for which a deduction is not provided for federal income tax purposes;

(p) income of a dependent child that is included in the taxpayer's federal adjusted gross income pursuant to the Internal Revenue Code. The child is required to file a Montana personal income tax return if the child and taxpayer meet the filing requirements in 15-30-2602.

(q) principal and income deposited in a health care expense trust account, as defined in 2-18-1303, or withdrawn from the account for payment of qualified health care expenses as defined in 2-18-1303; and

~~(r) that part of the refundable credit provided in 33-22-2006 that reduces Montana tax below zero; and~~

~~(s)~~(r) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163.

(3) A shareholder of a DISC that is exempt from the corporation license tax under 15-31-102(1)(l) shall include in the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by section 995 of the Internal Revenue Code, 26 U.S.C. 995, for all periods for which the DISC election is effective.

(4) A taxpayer who, in determining federal adjusted gross income, has reduced the taxpayer's business deductions by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year that the wages and salaries were used to compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who are required to include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation of federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax

returns. The federal base must be split equally on the Montana return.

(6) Married taxpayers filing a joint federal return who are allowed a capital loss deduction under section 1211 of the Internal Revenue Code, 26 U.S.C. 1211, and who file separate Montana income tax returns may claim the same amount of the capital loss deduction that is allowed on the federal return. If the allowable capital loss is clearly attributable to one spouse, the loss must be shown on that spouse's return; otherwise, the loss must be split equally on each return.

(7) In the case of passive and rental income losses, married taxpayers filing a joint federal return and who file separate Montana income tax returns are not required to recompute allowable passive losses according to the federal passive activity rules for married taxpayers filing separately under section 469 of the Internal Revenue Code, 26 U.S.C. 469. If the allowable passive loss is clearly attributable to one spouse, the loss must be shown on that spouse's return; otherwise, the loss must be split equally on each return.

(8) Married taxpayers filing a joint federal return in which one or both of the taxpayers are allowed a deduction for an individual retirement contribution under section 219 of the Internal Revenue Code, 26 U.S.C. 219, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction must be attributed to the spouse who made the contribution.

(9) (a) Married taxpayers filing a joint federal return who are allowed a deduction for interest paid for a qualified education loan under section 221 of the Internal Revenue Code, 26 U.S.C. 221, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income.

(b) Married taxpayers filing a joint federal return who are allowed a deduction for qualified tuition and related expenses under section 222 of the Internal Revenue Code, 26 U.S.C. 222, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income.

(10) A taxpayer receiving retirement disability benefits who has not attained 65 years of age by the end of the tax year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to $100 a week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion exceeds $15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding $15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months.

(11) An individual who contributes to one or more accounts established under the Montana family education savings program may reduce adjusted gross income by the lesser of $3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of $3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in adjusted gross income under this subsection applies only with respect to contributions to an account of which the account owner, as defined in 15-62-103, is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a

Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income.

(12) (a) A taxpayer may exclude the amount of the loan payment received pursuant to subsection (12)(a)(iv), not to exceed $5,000, from the taxpayer's adjusted gross income if the taxpayer:

(i) is a health care professional licensed in Montana as provided in Title 37;

(ii) is serving a significant portion of a designated geographic area, special population, or facility population in a federally designated health professional shortage area, a medically underserved area or population, or a federal nursing shortage county as determined by the secretary of health and human services or by the governor;

(iii) has had a student loan incurred as a result of health-related education; and

(iv) has received a loan payment during the tax year made on the taxpayer's behalf by a loan repayment program described in subsection (12)(b) as an incentive to practice in Montana.

(b) For the purposes of subsection (12)(a), a loan repayment program includes a federal, state, or qualified private program. A qualified private loan repayment program includes a licensed health care facility, as defined in 50-5-101, that makes student loan payments on behalf of the person who is employed by the facility as a licensed health care professional.

(13) Notwithstanding the provisions of subsection (1), adjusted gross income does not include 40% of capital gains on the sale or exchange of capital assets before December 31, 1986, as capital gains are determined under subchapter P. of Chapter 1 of the Internal Revenue Code as it read on December 31, 1986.

(14) By November 1 of each year, the department shall multiply the amount of pension and annuity income contained in subsection (2)(c)(i) and the federal adjusted gross income amounts in subsection (2)(c)(ii) by the inflation factor for that tax year, but using the year 2009 consumer price index, and rounding the results to the nearest $10. The resulting amounts are effective for that tax year and must be used as the basis for the exemption determined under subsection (2)(c). (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983; subsection (2)(o) terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)""

Insert: "Section 17. Section 15-30-2618, MCA, is amended to read:

"15-30-2618. Confidentiality of tax records. (1) Except as provided in 5-12-303, 15-1-106, 17-7-111, and subsections (7) and (8) of this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-2630.

(4) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(5) Any offense against subsections (1) through (4) is punishable by a fine not exceeding $500. If the offender is an officer or employee of the state, the offender must be dismissed from office or employment and may not hold any public office or public employment in this state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.

(6) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; or

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program.

(7) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax upon the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(8) On written request to the director or a designee of the director, the department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-2114(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;

(b) to the department of public health and human services information acquired under 15-30-2616, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs information on whether a taxpayer who is the subject of an ongoing

investigation by the department of labor and industry is an employee, an independent contractor, or self-employed;

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303, 15-1-106, and 17-7-111. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-223 or 15-70-362, provided that notice to the applicant has been given as provided in 15-70-223 and 15-70-362. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h) to the commissioner of insurance's office all information necessary for the administration of the ~~small business health insurance tax credit provided for in Title 33, chapter 22, part 20~~ income-enhancement grant program provided for in [section 7]."""

Insert: "Section 18. Section 15-31-102, MCA, is amended to read:

"15-31-102. Organizations exempt from tax -- unrelated business income not exempt. (1) Except as provided in ~~subsection (3)~~ subsections (3) and (4), there may not be taxed under this title any income received by any:

(a) labor, agricultural, or horticultural organization;

(b) fraternal beneficiary, society, order, or association operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of the society, order, or association or their dependents;

(c) cemetery company owned and operated exclusively for the benefit of its members;

(d) corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;

(e) business league, chamber of commerce, or board of trade not organized for profit, no part of the net income of which inures to the benefit of any private stockholder or individual;

(f) civic league or organization not organized for profit but operated exclusively for the promotion of social welfare;

(g) club organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net income of which inures to the benefit of any private stockholder or members;

(h) farmers' or other mutual hail, cyclone, or fire insurance company, mutual ditch or irrigation company, mutual or cooperative telephone company, or similar organization of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting its expenses;

(i) cooperative association or corporation engaged in the business of operating a rural electrification system or systems for the transmission or distribution of electrical energy on a cooperative basis;

(j) corporations or associations organized for the exclusive purpose of holding title to property, collecting income from the property, and turning over the entire amount of the income, less expenses, to an organization that itself is exempt from the tax imposed by this title;

(k) wool and sheep pool, which is an association owned and operated by agricultural producers organized to market association members' wool and sheep, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting its expenses. Income, for this purpose, does not include expenses and money distributed to members contributing wool and sheep.

(l) corporation that qualifies as a domestic international sales corporation (DISC) under the provisions of section 991, et seq., of the Internal Revenue Code, 26 U.S.C. 991, et seq., and that has in effect for the entire taxable year a valid election under federal law to be treated as a DISC. If a corporation makes that election under federal law, each person who at any time is a shareholder of the corporation is subject to taxation under Title 15, chapter 30, on the earnings and profits of this DISC in the same manner as provided by federal law for all periods for which the election is effective.

(m) farmers' market association not organized for profit, no part of the net income of which inures to the benefit of any member, but that is organized for the sole purpose of providing for retail distribution of homegrown vegetables, handicrafts, and other products either grown or manufactured by the seller;

(n) common trust fund as defined in section 584(a) of the Internal Revenue Code, 26 U.S.C. 584(a).

(2) In determining the license fee to be paid under this part, there may not be included any earnings derived from any public utility managed or operated by any subdivision of the state or from the exercise of any governmental function.

(3) Any unrelated business taxable income, as defined by section 512 of the Internal Revenue Code, 26 U.S.C. 512, as amended, earned by any exempt corporation resulting in a federal unrelated business income tax liability of more than $100 must be taxed as other corporation income is taxed under this title. An exempt corporation subject to taxation on unrelated business income under this section shall file a copy of its federal exempt organization business income tax return on which it reports its unrelated business income with the department of revenue.

(4) A hospital that fails to meet the charity care requirements of [section 8] is subject to taxation under this title for any income received in the tax year in which the charity care requirements were not met.""

Insert: "Section 19. Section 15-31-511, MCA, is amended to read:

"15-31-511. Confidentiality of tax records. (1) Except as provided in this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department of revenue under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4);

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(f) the disclosure of information to the commissioner of insurance's office that is necessary for the administration of the ~~small business health insurance tax credit provided for in Title 33, chapter 22, part 20~~ income-enhancement grant program provided for in [section 7].

(4) On written request to the director or a designee of the director, the department shall:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1); and

(b) provide corporation income tax information, including any information that may be required under Title 15, chapter 30, part 33, to the legislative fiscal analyst, as provided in 5-12-303 or 15-1-106, and the office of budget and program planning, as provided in 15-1-106 or 17-7-111. The information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1).

(5) A person convicted of violating this section shall be fined not to exceed $500. If a public officer or public employee is convicted of violating this section, the person is dismissed from office or employment and may not hold any public office or public employment in the state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.""

Insert: "Section 20. Section 17-6-606, MCA, is amended to read:

"17-6-606. Tobacco settlement accounts -- purpose -- uses. (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund statewide programs ~~for~~

~~tobacco disease prevention~~ designed to:

(a) discourage children from starting use of tobacco;

(b) assist adults in quitting use of tobacco;

(c) provide funds for the children's health insurance program; and

(d) provide funds for the ~~comprehensive health association programs~~ income-enhancement grant program provided for in [section 9].

(2)(a) ~~An~~ Except as provided in subsection (2)(b), an amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in ~~a state special revenue account~~ state special revenue accounts as provided in this section. Subject to subsection (5), the funds referred to in this subsection may be used only for funding:

(i) statewide programs for tobacco disease prevention designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use; and

(ii) the income-enhancement grant program provided for in [section 7].

(b) The first $2.5 million of the yearly tobacco settlement received in fiscal year 2014 and fiscal year 2015 pursuant to this subsection (2) must be deposited in the income-enhancement grant special revenue account. The remainder must be deposited in the state special revenue account for tobacco disease prevention programs.

(c) The department of public health and human services shall manage the tobacco disease prevention programs and shall adopt rules to implement the programs. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control Programs--August 1999 or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.

(3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for:

(a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 10; and

(b) ~~programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with funding use subject to 33-22-1513~~ the income-enhancement grant program provided for in [section 7].

(4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

(5) The legislature shall appropriate money from the state special revenue accounts provided for in this section for programs for tobacco disease prevention, for the programs referred to in the subsection establishing the account, and for funding the tobacco prevention advisory board.

(6) Programs funded under this section that are private in nature may be funded through contracted services.""

Insert: "Section 21. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; [section 9]; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017.)""

Insert: "Section 22. Section 33-22-1513, MCA, is amended to read:

"33-22-1513. Operation of association plan and association portability plans -- use of excess funds. (1) Upon acceptance by the lead carrier under 33-22-1516, an eligible person may enroll in the association plan by payment of the association plan premium to the lead carrier.

(2) Upon application by a federally defined eligible individual or a TAA-eligible individual to the lead carrier for an association portability plan, the association may not:

(a) decline to offer an association portability plan; or

(b) except as provided in subsection (3), impose a preexisting condition exclusion with

respect to an individual's association portability plan coverage if application for association portability plan coverage is made within 63 days following termination of the applicant's most recent prior creditable coverage.

(3) The association may impose a preexisting condition exclusion as provided in 33-22-1516 with respect to a TAA-eligible individual's association portability plan coverage if that individual does not meet the requirements defining a qualified TAA-eligible individual.

(4) Not less than 88% of the association plan and the association portability plan premiums paid to the lead carrier may be used to pay claims and not more than 12% may be used for payment of the lead carrier's direct and indirect expenses as specified in 33-22-1514.

(5) Any income in excess of the costs incurred by the association in providing reinsurance or administrative services must be held at interest and used by the association to:

(a) offset past and future losses because of claims expenses of the association plan and the association portability plan; or ~~be allocated to reduce association plan and association portability plan premiums~~

(b) be deposited in the income-enhancement grant special revenue account provided for in [section 9].

(6) (a) Each participating member of the association shall share the losses because of claims expenses of the association plan and the association portability plan for plans issued or approved for issuance by the association and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs in the following manner:

(i) Each participating member of the association must be assessed by the association on an annual basis an amount not to exceed 1% of the association member's total disability insurance premium received from or on behalf of Montana residents as determined by the commissioner. Assessments made under this subsection (6)(a) or funds from any other source must be allocated to the association plan and the association portability plan in proportion to the needs of the two plans. If the needs of the association plan and the association portability plan exceed the funds generated by the 1% assessment, the association is then authorized to spend any funds appropriated by the legislature for the support of the plans. Any appropriation to the association may be expended for the operation of the association plan or the association portability plan.

(ii) (A) Payment of an assessment is due within 30 days of receipt by a member of a written notice of the annual assessment. After 30 days, the association shall charge a member:

(I) a late payment penalty of 1.5% a month or fraction of a month on the unpaid assessment, not to exceed 18% of the assessment due;

(II) interest at the rate of 12% a year on the unpaid assessment, to be accrued at 1% a month or fraction of a month; or

(III) both of the charges in subsections (6)(a)(ii)(A)(I) and (6)(a)(ii)(A)(II).

(B) Failure by a contributing member to tender the association assessment within the 30-day period is grounds for termination of membership. A member terminated for failure to tender the association assessment is ineligible to write health care benefit policies or contracts in this state under 33-22-1503(2).

(iii) An association member that ceases to do disability insurance business within the state remains liable for assessments through the calendar year in which the member ceased doing disability insurance business. The association may decline to levy an assessment against an association member if the assessment, as determined pursuant to this section, would not exceed $50.

(b) For purposes of this subsection (6), "total disability insurance premium" does not include premiums received from disability income insurance, credit disability insurance, disability waiver insurance, life insurance, medicare risk or other similar medicare health maintenance organization payments, or medicaid health maintenance organization payments.

(c) Any income in excess of the incurred or estimated claims expenses of the association plan and the association portability plan and the operating and administrative expenses of the association must be held at interest and used by the association to:

(i) offset past and future losses because of claims expenses of the association plan and the association portability plan ~~or be allocated to reduce association plan and association portability plan premiums~~; or

(ii) be deposited in the income-enhancement grant special revenue account provided for in [section 9].

(7) The proportion of the annual assessment allocated to the operation and expenses of the association plan, not to include any amount of late payment penalty or interest charged, may be offset by an association member against the premium tax payable by that association member pursuant to 33-2-705 for the year in which the annual assessment is levied. The commissioner shall report to the office of budget and program planning, as a part of the information required by 17-7-111, the total amount of premium tax offset claimed by association members during the preceding biennium. The proportion of the annual assessment allocated to the operation and expenses of the association portability plan and levied against an association member may not be offset against the premium tax payable by that association member.

(8) The association may also accept funding from the federal government, private foundations, and other private funding sources.""

Insert: "Section 23. Section 33-22-1815, MCA, is amended to read:

"33-22-1815. Qualifications for voluntary purchasing pool. A voluntary purchasing pool of disability insurance purchasers may be formed solely for the purpose of obtaining disability insurance upon compliance with the following provisions:

(1) It contains at least 51 eligible employees.

(2) It establishes requirements for membership. The voluntary purchasing pool shall accept for membership any small employers and may accept for membership any employers with at least 51 eligible employees that otherwise meet the requirements for membership. However, the voluntary purchasing pool may not exclude any small employers that otherwise meet the requirements for membership on the basis of claim experience, occupation, or health status.

(3) It holds an open enrollment period at least once a year during which new members can join the voluntary purchasing pool.

(4) It offers coverage to eligible employees of member employers and to the employees' dependents. Coverage may not be limited to certain employees of member small employers except as provided in 33-22-1811(3)(c).

(5) It does not assume any risk or form self-insurance plans among its members.

(6) (a) Disability insurance policies, certificates, or contracts offered through the voluntary purchasing pool must rate the entire purchasing pool group as a whole and charge each insured person based on a community rate within the common group, adjusted for case characteristics as permitted by the laws governing group disability insurance.

(b) ~~Except for the rates for the small business health insurance pool established in 33-22-2001, rates~~ Rates for voluntary purchasing pool groups must be set pursuant to the

provisions of 33-22-1809.

(c) At its discretion, premiums may be paid to the disability insurance policies, certificates, or contracts by the voluntary purchasing pool or by member employers.

(7) A person marketing disability insurance policies, certificates, or contracts for a voluntary purchasing pool must be licensed as an insurance producer.""

Insert: "Section 24. Section 33-22-1816, MCA, is amended to read:

"33-22-1816. Commissioner powers and duties -- application for registration -- reporting insolvency. (1) The commissioner shall develop forms for registration of an organization as a voluntary purchasing pool.

(2) An organization seeking to be registered as a voluntary purchasing pool shall make application to the commissioner. The commissioner shall register an organization as a voluntary purchasing pool upon proof of fulfillment of the qualifications provided in 33-22-1815.

(3) Except as provided in subsection (5), on March 1 of each year, the voluntary purchasing pool shall provide a report and financial statement for the previous calendar year to the commissioner so that the commissioner may determine:

(a) whether the operation of the voluntary purchasing pool is fiscally sound;

(b) whether the voluntary purchasing pool is bearing any risk; and

(c) the number of individuals covered.

(4) The annual report of the voluntary purchasing pool must disclose its total administrative cost.

(5) A voluntary purchasing pool may choose to operate on a fiscal year other than on the calendar year. A voluntary purchasing pool that establishes a fiscal year that is other than the calendar year shall provide the report required in subsection (3) to the commissioner within 60 days of the voluntary purchasing pool's fiscal yearend.

~~(6) The commissioner may exempt the small business health insurance purchasing pool established in 33-22-2001 from the reporting requirements under subsection (3).~~"

"

Insert: "Section 25. Section 45-6-301, MCA, is amended to read:

"45-6-301. Theft. (1) A person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over property of the owner and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) A person commits the offense of theft when the person purposely or knowingly obtains by threat or deception control over property of the owner and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(3) A person commits the offense of theft when the person purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(4) A person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over any part of any public assistance provided under Title 52 or 53 by a state or county agency, regardless of the original source of assistance, by means of:

(a) a knowingly false statement, representation, or impersonation; or

(b) a fraudulent scheme or device.

(5) A person commits the offense of theft when the person purposely or knowingly obtains or exerts or helps another obtain or exert unauthorized control over any part of any benefits provided under Title 39, chapter 71, by means of:

(a) a knowingly false statement, representation, or impersonation; or

(b) deception or other fraudulent action.

(6) (a) A person commits the offense of theft when the person purposely or knowingly commits insurance fraud as provided in 33-1-1202 or 33-1-1302; or

(b) purposely or knowingly diverts or misappropriates insurance premiums as provided in 33-17-1102~~; or~~

~~(c) purposely or knowingly receives small business health insurance premium incentive payments or premium assistance payments or tax credits under Title 33, chapter 22, part 20, to which the person is not entitled~~.

(7) A person commits the offense of theft of property by embezzlement when, with the purpose to deprive the owner of the property, the person:

(a) purposely or knowingly obtains or exerts unauthorized control over property of the person's employer or over property entrusted to the person; or

(b) purposely or knowingly obtains by deception control over property of the person's employer or over property entrusted to the person.

(8) (a) Except as provided in subsection (8)(b), a person convicted of the offense of theft of property not exceeding $1,500 in value shall be fined an amount not to exceed $1,500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a second offense shall be fined $1,500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a third or subsequent offense shall be fined $1,500 and be imprisoned in the county jail for a term of not less than 30 days or more than 6 months.

(b) (i) Except as provided in subsection (8)(c), a person convicted of the offense of theft of property exceeding $1,500 in value or theft of any amount of anhydrous ammonia for the purpose of manufacturing dangerous drugs shall be fined an amount not to exceed $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(ii) A person convicted of the theft of any commonly domesticated hoofed animal shall be fined an amount of not less than $5,000 or more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. If a prison term is deferred, the court shall order the offender to perform 416 hours of community service during a 1-year period, in the offender's county of residence. In addition to the fine and imprisonment, the offender's property is subject to criminal forfeiture pursuant to 45-6-328 and 45-6-329.

(c) A person convicted of the offense of theft of property exceeding $10,000 in value by embezzlement shall be imprisoned in a state prison for a term of not less than 1 year or more than 10 years and may be fined an amount not to exceed $50,000. The court may, in its discretion,

place the person on probation with the requirement that restitution be made under terms set by the court. If the terms are not met, the required prison term may be ordered.

(9) Amounts involved in thefts committed pursuant to a common scheme or the same transaction, whether from the same person or several persons, may be aggregated in determining the value of the property.""

Insert: "Section 26. Section 50-4-716, MCA, is amended to read:

"50-4-716. Criteria for distribution of assets. (1) The public assets distributed ~~to a foundation or nonprofit organization~~ in accordance with 50-4-715 or 50-4-720 must be in the form of cash or a combination of cash and publicly traded securities or bonds or similar assets that are readily convertible to cash and for which a secondary market exists.

(2) The attorney general may determine that a distribution of assets of a nonprofit health entity is not required if the transaction is determined not to be a conversion transaction and is a transaction in the ordinary course of business and for fair market value.

(3) In determining fair market value, the attorney general may consider all relevant factors that may include but are not limited to:

(a) the value of the nonprofit health entity or an affiliate or the assets of the nonprofit health entity or affiliate that are determined as if the nonprofit health entity or affiliate had voting stock outstanding and 100% of its stock was freely transferable and available for purchase without restriction;

(b) the value as a going concern;

(c) the market value;

(d) the investment or earnings value;

(e) the net asset value; and

(f) a control premium, if any.""

Insert: "Section 27. Section 50-4-720, MCA, is amended to read:

"50-4-720. Distribution of proceeds -- annual report. (1) Except as provided in ~~subsection (5)~~ <u>subsections (2) and (6)</u>, the proceeds of a conversion transaction that are public assets must be distributed to an existing or new foundation or other nonprofit organization to be held in a trust that meets the following requirements:

(a) The foundation or nonprofit organization shall operate pursuant to 26 U.S.C. 501(c)(3) or 501(c)(4), and regardless of whether the foundation is classified as a private foundation under 26 U.S.C. 509, the foundation or nonprofit organization shall operate in accordance with the restrictions and limitations that apply to private foundations in 26 U.S.C. 4941 through 4945.

(b) The foundation or nonprofit organization must have a mission statement that is as close as possible to the mission of the converting nonprofit health entity.

(c) The foundation or nonprofit organization's assets may not be used to supplant government funds.

(d) The foundation or nonprofit organization may not be an agent or instrumentality of the government.

(e) The foundation or nonprofit organization and its directors, officers, and staff must be and shall remain independent of the parties to the conversion transaction and their affiliates. A person who is an officer, director, or staff member of a nonprofit health entity submitting a conversion plan at the time that the plan is submitted or at the time of the conversion transaction or within 5 years after the conversion may not be an officer, director, or staff member of the foundation. A director, officer, agent, or employee of the nonprofit health entity submitting the plan

or the foundation receiving the charitable assets may not benefit directly or indirectly from the transaction. Public officials, elected or appointed, may not serve as an officer, director, or staff member of the foundation or nonprofit organization.

(f) A foundation or nonprofit organization must have or shall establish formal mechanisms to avoid conflicts of interest and to prohibit grants benefiting:

(i) any party to the conversion transaction or members of the board of directors and management of a party to the conversion transaction; or

(ii) the foundation or nonprofit organization's board of trustees, directors, agents, or employees.

(g) Boards of trustees or directors of the foundation or nonprofit organization shall reflect the geographic, ethnic, gender, age, socioeconomic, and other factors that the board considers to represent the diversity of the nonprofit health entity applicant's service area. In addition, trustees or directors must have the following qualifications and qualities:

(i) interest in and concern for the foundation or nonprofit organization and its mission;

(ii) objectivity and impartiality;

(iii) willingness and ability to commit time and thought to the foundation or nonprofit organization's affairs; and

(iv) commitment to the foundation or nonprofit organization as a whole and not to a special interest.

(h) Boards of trustees or directors must include persons with special knowledge, expertise, and skills in investments and asset management, finance, and nonprofit administration.

(2) The first $30 million of proceeds of a conversion transaction that are public assets must be deposited in the income-enhancement grant special revenue account provided for in [section 9].

~~(2)~~(3) A foundation or nonprofit organization that receives a distribution of public assets shall submit an annual report to the commissioner and to the attorney general regarding the award of grants and other charitable activities of the entity related to its use of the public assets received.

~~(3)~~(4) The annual report submitted under subsection ~~(2)~~ (3) must be made available to the public at the principal office of the foundation or nonprofit organization.

~~(4)~~(5) The attorney general shall retain oversight and monitoring authority over the foundation or nonprofit organization that receives the proceeds of a proposed conversion transaction.

~~(5)~~(6) Notwithstanding any other provision of this section, the proceeds of a conversion transaction that are public assets of a nonprofit mutual benefit corporation in which all of the members are nonprofit public benefit corporations may be distributed to the member nonprofit public benefit corporations if the articles of incorporation of the nonprofit mutual benefit corporation provide for that distribution.""

Insert: "Section 28. Section 53-4-1004, MCA, is amended to read:

"53-4-1004. (Temporary) Eligibility for program -- rulemaking. (1) To be considered eligible for the program, a child:

(a) must be 18 years of age or younger;

(b) must have a combined family income at or below 250% of the federal poverty level or at a lower level determined by the department of public health and human services as provided in subsection (4);

(c) may not already be covered by private insurance that offers creditable coverage, as

defined in 42 U.S.C. 300gg(c), for 3 months prior to enrollment in the program or since birth, whichever period is less[~~, except that the break in coverage is waived for a covered dependent whose coverage moves from the purchasing pool provided under Title 33, chapter 22, part 20, to coverage under this part~~];

(d) may not be eligible for medicaid benefits; and

(e) must be a United States citizen or qualified alien and a Montana resident.

(2) The department of public health and human services shall adopt rules that establish the program's criteria for residency. The criteria must conform as nearly as practicable with the residency requirements for medicaid eligibility.

(3) Subject to 53-4-1009(3), rules governing eligibility may also include financial standards and criteria for income and resources, treatment of resources, and nonfinancial criteria.

(4) If the department determines that there is insufficient funding for the program, it may lower the percentage of the federal poverty level established in subsection (1)(b) in order to reduce the number of persons who may be eligible to participate or may limit the amount, scope, or duration of specific services provided. (Terminates on occurrence of contingency--sec. 15, Ch. 571, L. 1999; sec. 14, I.M. No. 155, approved November 4, 2008~~; bracketed language void on occurrence of contingency--sec. 7, Ch. 87, L. 2009~~.)""

Insert: "Section 29. Section 53-6-1201, MCA, is amended to read:

"53-6-1201. Special revenue fund -- health and medicaid initiatives. (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(1)(d);

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-119(3)(b); and

(c) any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to administer the plan and maximize enrollment of eligible children under the healthy Montana kids plan, provided for under Title 53, chapter 4, part 11, and to provide outreach to the eligible children;

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

~~(d) an offset to loss of revenue to the general fund as a result of new tax credits;~~

~~(e) funding new programs to assist eligible small employers with the costs of providing health insurance benefits to eligible employees~~;

~~(f)~~(d) the cost of ~~administering the tax credit, the purchasing pool, and the premium incentive payments and premium assistance payments as provided in Title 33, chapter 22, part 20~~ the income-enhancement grant program provided for in [section 7]; and

~~(g)~~(e) providing a state match for the medicaid program for premium incentive payments

or premium assistance payments to the extent that a waiver is granted by federal law as provided in 53-2-216.

(4) (a) On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(b) Until the programs or credits described in subsections (3)(b) and (3)(d) through ~~(3)(g)~~ (3)(e) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(6) The department of public health and human services may adopt rules to implement this section.""

Insert: "NEW SECTION. **Section 30. Repealer.** The following sections of the Montana Code Annotated are repealed:

15-30-2368.	Tax credit for health insurance premiums paid -- eligible small employers -- pass-through entities.
15-31-130.	Tax credit for health insurance premiums paid -- eligible small employers -- corporations.
33-22-2001.	Establishment of small business health insurance pool -- intent.
33-22-2002.	Small business health insurance pool -- definitions.
33-22-2003.	Board of directors -- composition -- appointment -- compensation.
33-22-2004.	Powers and duties of board.
33-22-2005.	Duties of commissioner -- rulemaking authority.
33-22-2006.	Premium incentive payments, premium assistance payments, and tax credits for small employer health insurance premiums paid -- eligibility for small group coverage -- amounts.
33-22-2007.	Filing for tax credit -- filing for premium incentive payments and premium assistance payments.
33-22-2008.	Registration -- funding limitations -- transfers -- maximum number -- waiting list -- information transfer for tax credits.
33-22-2009.	Penalties.
53-2-216.	Health insurance premium assistance -- legislative intent -- application for section 1115 waiver -- duties of board of directors of small business health insurance pool, commissioner of insurance, and department of public health and human services.
53-2-217.	Contingency on expenditure.

"

Insert: "NEW SECTION. **Section 31. Transfer of funds.** (1) There is transferred from the general fund to the income-enhancement grant special revenue account provided for in [section

9] $1,646,660 in fiscal year 2014 and $6,763,375 in fiscal year 2015.

(2) There is transferred from the insurance fee special revenue account to the income-enhancement grant special revenue account provided for in [section 9] $3 million in each year of the biennium beginning July 1, 2013.

(3) There is transferred from the health and medicaid initiatives special revenue account to the income-enhancement grant special revenue account provided for in [section 9] $5,116,980 in fiscal year 2014."

Insert: "NEW SECTION. **Section 32. Appropriation.** (1) There is appropriated $800,000 from the special revenue account provided for in [section 9] to the state auditor's office for the biennium beginning July 1, 2013, to be used on education and outreach activities as provided in [section 6].

(2) There is appropriated $200,000 from the general fund to the legislative services division for the biennium beginning July 1, 2013, to be used for the select committee on medicaid innovation, reform, and expansion provided for in [section 4]."

Insert: "NEW SECTION. **Section 33. Codification instruction.** (1) [Sections 1 through 9] are intended to be codified as an integral part of Title 33, chapter 22, and the provisions of Title 33, chapter 22, apply to [sections 1 through 9].

(2) [Sections 10 and 11] are intended to be codified as an integral part of Title 20, chapter 26, and the provisions of Title 20, chapter 26, apply to [sections 10 and 11].

(3) [Sections 12 through 14] are intended to be codified as an integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [sections 12 through 14]."

Insert: "COORDINATION SECTION. **Section 34. Coordination instruction.** If both House Bill No. 604 and [this act] are passed and approved, then House Bill No. 604 is void."

Insert: "COORDINATION SECTION. **Section 35. Coordination instruction.** If both House Bill No. 2 and [this act] are passed and approved and if House Bill No. 2 contains appropriations for Insure Montana, then any appropriation in House Bill No. 2 for Insure Montana is void."

Insert: "NEW SECTION. **Section 36. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 37. Effective dates -- contingency.** (1) Except as provided in subsections (2) through (4)], [this act] is effective July 1, 2013.

(2) [Sections 15 through 19, 23 through 25, 28, and 30] are effective January 1, 2014.

(3) [Sections 4, 9, 26, 27] and this section are effective on passage and approval.

(4) [Section 20(2)(b)] is effective October 1, 2013, if a conversion transaction of a nonprofit health entity has not been approved by the commissioner of insurance and the attorney general by September 30, 2013."

Insert: "NEW SECTION. **Section 38. Applicability -- retroactive applicability.** (1) [Section 10] applies to students accepted into a state-funded medical education program beginning in the 2014-2015 academic year.

(2) [Sections 8, 15, 16, and 18] apply to tax years beginning after December 31, 2013.

(3) [This act] applies retroactively, within the meaning of 1-2-109, to a conversion transaction of a nonprofit health entity that is approved by the commissioner of insurance and the

attorney general on or after January 1, 2013. "
Insert: "NEW SECTION. **Section 39. Termination.** [This act] terminates June 30, 2015."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 12,2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Friday, April 12, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 48 -Jergeson
Senate Bill 116 -Arthun
Senate Bill 165 -Caferro
Senate Bill 176 -Peterson
Senate Bill 185 -Sesso
Senate Bill 194 -Blewett
Senate Bill 259 -Arntzen
Senate Bill 314 -Wanzenried
Senate Bill 316 -Fielder
Senate Bill 319 -Sonju
Senate Bill 327 -Olson
Senate Bill 332 Tutvedt

I am returning **Senate Bill 45** -Keane and **Senate Bill 125** -Olson with amendments.

I have vetoed **Senate Bill 224** -Debby Barrett.

Sincerely,

STEVE BULLOCK
Governor

April 12, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 45** (SB 45), "AN ACT REVISING THE DEFINITION OF "ELIGIBLE RENEWABLE RESOURCE" TO INCLUDE HYDROELECTRIC PROJECT EXPANSIONS; PROVIDING THE PUBLIC SERVICE COMMISSION WITH RULEMAKING AUTHORITY WITH RESPECT TO HYDROELECTRIC PROJECT EXPANSIONS; AMENDING SECTIONS 69-3-2003 AND 69-3-2006, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 45 amends Montana's Renewable Power Production and Rural Economic Development Act (Act), passed by the 2005 Legislature, by allowing for hydropower expansions at existing dams to be incorporated into the renewable portfolio standard. It accomplishes this goal in a far more responsible and workable manner than has been attempted in previous legislative sessions.

The intent of the 2005 Act was to incentivize diverse rural economic development, and it has been tremendously successful.

It makes sense to allow for the future expansion of existing hydropower facilities to be included in the renewable portfolio standard. Such activities would generate new jobs and create new sources of renewable power. Appropriately, this bill seeks to limit the amount of credit for a future project to the amount of new power associated with the expansion.

SB 45 has two problems. First, as written it would apply to at least one project that is almost complete. This project is one that the company determined was economically viable even without the Act's incentives, and thus does not serve the Act's original purpose --to expand rural economic development.

Having these incentives apply retroactively to a project already underway creates no new jobs, which is a top priority of mine and a goal shared by many legislators.

I believe most Montanans share my goal of job creation, and see the benefits of incentives that create new jobs. Extending the Act's incentives to a project that is almost complete actually discourages job creation, since the total number of incentives is limited and those that are applied to the existing project cannot then be used to create new jobs.

Second, as written SB 45 would overstate the amount of incentive given for power generated at a new project. This also has the real world effect of displacing new jobs, as the incentives that

are inappropriately attributed to a project cannot be used elsewhere to encourage new projects and new jobs.

Therefore, I offer amendments to accomplish two objectives: limit applicability to hydropower expansion projects at existing facilities that commence construction after the effective date of SB 45; and, ensure that the amount of credit given to any new project more accurately reflects the actual power that is generated.

I believe SB 45, amended as I propose, allows for incremental hydropower projects while still meeting the intent of the original Act.

I respectfully ask for your support of these amendments.

Sincerely

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 45** (reference copy -- salmon) are as follows:

1. Title, page 1, line 8 through line 9.
Following: "EXPANSIONS;" on line 8
Insert: "AND"
Following: "MCA" on line 8
Strike: remainder of line 8 through "APPLICABILITY DATE" on line 9

2. Page 2, line 30.
Following: "that"
Insert: "commences construction and"

3. Page 3, line 1 through line 4.
Strike: "December" on line 1 through "recalculated" on line 4
Insert: "[the effective date of this act]. Engineering estimates of the average incremental generation from the increase in existing generation capacity must be submitted to the commission for review. The commission shall determine an average annual incremental generation that will constitute the eligible renewable resource from the capacity expansion, subject to further revision by the commission in the event of significant changes in streamflow or dam operation"

4. Page 5.
Following: line 6
Insert: "COORDINATION SECTION. **Section 4. Coordination instruction.** If both Senate Bill No. 31 and [this act] are passed and approved, then [section 5 of Senate Bill No. 31] is void. If both Senate Bill No. 31 and [this act] are passed an approved and if both contain a section that

amends 69-3-2003, the sections amending 69-3-2003 are void and 69-3-2003 must be amended as follows:

"69-3-2003. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Ancillary services" means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include energy losses, energy imbalances, scheduling and dispatching, load following, system protection, spinning reserves and nonspinning reserves, and reactive power.

(2) "Balancing authority" means a transmission system control operator who balances electricity supply and load at all times to meet transmission system operating criteria and to provide reliable electric service to customers.

(3) "Common ownership" means the same or substantially similar persons or entities that maintain a controlling interest in more than one community renewable energy project even if the ownership shares differ between two community renewable energy projects. Two community renewable energy projects may not be considered to be under common ownership simply because the same entity provided debt or equity or both debt and equity to both projects.

(4) "Community renewable energy project" means an eligible renewable resource that:

(a) is interconnected on the utility side of the meter in which local owners have a controlling interest and that is less than or equal to 25 megawatts in total calculated nameplate capacity; or

(b) is owned by a public utility and has less than or equal to 25 megawatts in total nameplate capacity.

(5) (a) "Competitive electricity supplier" means any person, corporation, or governmental entity that is selling electricity to small customers at retail rates in the state of Montana and that is not a public utility or cooperative.

(b) The term does not include governmental entities selling electricity produced only by facilities generating less than 250 kilowatts that were in operation prior to 1990.

(6) "Compliance year" means each calendar year beginning January 1 and ending December 31, starting in 2008, for which compliance with this part must be demonstrated.

(7) "Cooperative utility" means:

(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

(b) an existing municipal electric utility as of May 2, 1997.

(8) "Dispatch ability" means the ability of either a balancing authority or the owner of an electric generating resource to rapidly start, stop, increase, or decrease electricity production from that generating resource in order to respond to the balancing authority's need to match supply resources to loads on the transmission system.

(9) "Electric generating resource" means any plant or equipment used to generate electricity by any means.

(10)(a) "Eligible renewable resource" means a facility either located within Montana or delivering electricity from another state into Montana that commences commercial operation after January 1, 2005, is a hydroelectric project referred to in subsection (10)(a)(iv)(C), or is a hydroelectric project expansion referred to in subsection (10)(a)(iv)(D), ~~and that~~ any of which produces electricity from one or more of the following sources:

~~(a)~~(i) wind;

~~(b)~~(ii) solar;

~~(c)~~(iii) geothermal;

~~(d)~~(iv) except as provided in subsection (10)(b) water power, in the case of a hydroelectric project that:

~~(i)~~(A) does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less; ~~or~~

~~(ii)~~(B) is installed at an existing reservoir or on an existing irrigation system that does not have hydroelectric generation as of April 16, 2009, and has a nameplate capacity of 15 megawatts or less;

(C) commences commercial operation in Montana on or after January 1, 2013, and is not an expansion under subsection (10)(a)(iv)(D); or

(D) is an expansion of a hydroelectric project that commences construction and increases existing generation capacity on or after [the effective date of this act]. Engineering estimates of the average incremental generation from the increase in existing generation capacity must be submitted to the commission for review. The commission shall determine an average annual incremental generation that will constitute the eligible renewable resource from the capacity expansion, subject to further revision by the commission in the event of significant changes in streamflow or dam operation.

~~(e)~~(v) landfill or farm-based methane gas;

~~(f)~~(vi) gas produced during the treatment of wastewater;

~~(g)~~(vii) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that the term does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic;

~~(h)~~(viii) hydrogen derived from any of the sources in this subsection ~~(10)~~(10)(a) for use in fuel cells;

~~(i)~~(ix) the renewable energy fraction from the sources identified in ~~subsections (10)(a) through (10)(j)~~ this subsection (10)(a) of electricity production from a multiple-fuel process with fossil fuels; and

~~(j)~~(x) compressed air derived from any of the sources in this subsection ~~(10)~~ (10)(a) that is forced into an underground storage reservoir and later released, heated, and passed through a turbine generator.

(b) The term does not include federal hydroelectric projects located in Montana or delivering electricity from another state into Montana.

(11) "Local owners" means:

(a) Montana residents;

(b) general partnerships of which all partners are Montana residents;

(c) business entities organized under the laws of Montana that:

(i) have less than $50 million of gross revenue;

(ii) have less than $100 million of assets; and

(iii) have at least 50% of the equity interests, income interests, and voting interests owned by Montana residents;

(d) Montana nonprofit organizations;

(e) Montana-based tribal councils;

(f) Montana political subdivisions or local governments;

(g) Montana-based cooperatives other than cooperative utilities; or

(h) any combination of the individuals or entities listed in subsections (11)(a) through (11)(g).

(12) "Nonspinning reserve" means offline generation that can be ramped up to capacity and synchronized to the grid within 10 minutes and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

(13) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on January 1, 2005, including the public utility's successors or assignees.

(14) "Renewable energy credit" means a tradable certificate of proof of 1 megawatt hour of electricity generated by an eligible renewable resource that is tracked and verified by the commission and includes all of the environmental attributes associated with that 1 megawatt-hour unit of electricity production.

(15) "Seasonality" means the degree to which an electric generating resource is capable of producing electricity in each of the seasons of the year.

(16) "Small customer" means a retail customer that has an individual load with an average monthly demand of less than 5,000 kilowatts.

(17) "Spinning reserve" means the online reserve capacity that is synchronized to the grid system and immediately responsive to frequency control and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

(18) "Total calculated nameplate capacity" means the calculation of total nameplate capacity of the community renewable energy project and other eligible renewable resources that are:

(a) located within 5 miles of the project;
(b) constructed within the same 12-month period; and
(c) under common ownership.""

5. Page 5, line 8 through line 11.
Strike: section 4 through section 5 in their entirety

April 12,2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the power vested in me as Governor by the power of the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 125** (SB 125), "AN ACT ESTABLISHING THAT THE PUBLIC SERVICE COMMISSION MAY IMPOSE AN ADMINISTRATIVE PENALTY FOR FAILURE TO COMPLY WITH THE GRADUATED RENEWABLE ENERGY STANDARD AND FOR FAILURE TO COMPLY WITH THE COMMUNITY RENEWABLE ENERGY PROJECT REQUIREMENT; AMENDING SECTION 69-3-2004, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 125 amends Montana's Renewable Power Production and Rural Economic Development Act (Act), passed by the 2005 Legislature, by clarifying the calculation of an administrative penalty for failure to comply with the Community Renewable Energy Project (Community Project) requirement, and by substantially reducing the penalty that would apply under current law.

Certain entities subject to the Act are required to purchase a minimum portion of their energy load from renewable resources. Satisfying this requirement must include a certain amount of purchases from Community Projects.

The Act was intended to create incentives for economic development and jobs through the production of renewable power commencing operation after January 1, 2005, and it has been tremendously successfuL The Community Project requirement, in part, was intended to ensure that those economic benefits and jobs were well distributed across the state, including to rural communities and Montana owners.

If an entity is unable to meet either the minimum standard or the Community Project requirement, an administrative penalty may be assessed by the Montana Public Service Commission (PSC). The PSC may also grant a short-term waiver from the substantive requirements and the penalty.

There is an ambiguity in current law as to the calculation of the administrative penalty for failure to meet the Community Project requirement. While the minimum purchase requirements for Community Projects are stated in megawatts (capacity), the penalty provisions are stated in megawatt hours (MWh) (output). This bill appropriately corrects this problem.

However, in doing so, this bill sets the penalty too low to provide sufficient incentive for an entity to comply with Community Project requirements or work with the PSC to obtain a waiver. For example, under current law, a 20 MW shortfall in meeting the Community Project requirement could result in a penalty of between $500,000 and $700,000. Under SB 125, the maximum penalty would be $20,000.

My amendment sets the penalty at $10,000 per MW. For a 20 MW shortfall as described above, this would result in a penalty of $200,000. This is not excessively punitive, nor is it so low, as it would be with the bill in its current form, that it discourages compliance with the Community Project
requirement and stifles the local economic benefits intended by the Act.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 125** (reference copy -- salmon) are as follows:

1. Page 3, line 13.
Strike: "not to exceed $1,000"
Insert: "in the amount of $10,000"

April 12, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 224** (SB 224), "AN ACT REVISING THE MONTANA ADMINISTRATIVE PROCEDURE ACT; REQUIRING AGENCIES TO INITIATE RULEMAKING WITHIN A SPECIFIED TIME FOLLOWING THE ENACTMENT OF LEGISLATION REQUIRING THE ADOPTION, AMENDMENT, OR REPEAL OF ADMINISTRATIVE RULES; ALLOWING AN ADMINISTRATIVE RULE REVIEW COMMITTEE TO GRANT AN EXTENSION TO THE DEADLINE; AMENDING SECTIONS 24-302,2-4-305, and 2-4-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 224 requires that state agencies initiate administrative rulemaking within 180 days of the effective date of the legislation requiring the rules. For rules required pursuant to preexisting statutes, the bill requires that agencies complete their rulemaking process by July 1, 2014. The bill poses practical and legal problems for the agencies. While I expect that rules should be adopted in a timely fashion, the one-size-fits-all approach will in certain instances undermine the integrity of the rulemaking process.

First, in rulemakings of significant complexity, the 180 day timeline will short-circuit needed time for consultation with affected parties and for the research, drafting and legal review process. Second, the 180 day deadline may run before an administrative rule review committee meets, making any extension requests moot. Third, the 2014 deadline for preexisting rules may not be possible to meet for state rulemakings that are coordinated with federal rulemaking timelines. Finally, the bill does not say what happens if the timelines are not met. The bill thus creates legal and administrative ambiguity and divests agencies of their discretion in determining how to

produce the most effective rules.

In FY 2012 and FY 2013, the Office of the Secretary of State published 6,864 pages of rules from 17 state agencies. The Department of Labor and Industry alone initiated 198 new rules over the course of fiscal years 2011 and 2012. State agencies are very familiar with the rulemaking process and are in the best position to determine how long a particular rulemaking will take. As Governor, I expect that agencies will formulate these rules in a manner which is timely and effective.

I respectfully ask you to sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/12/2013

SB 114, introduced by Taylor
SB 138, introduced by Wittich

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
4/12/2013

SB 162, introduced by Keane
SB 196, introduced by Rosendale

House joint resolution passed and transmitted to the Senate for concurrence: 4/12/2013

HJR 21, introduced by Hansen

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 21, introduced by Hansen, Essmann, Phillips, Williams, referred to State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed

of in the following manner:

HB 116 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Wanzenried, Webb, Mr. President.
Total 38

Nays: Augare, Fielder, Moore, Priest, Rosendale, Sales, Stewart-Peregoy, Vincent, Vuckovich, Walker, Windy Boy, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 363 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 33

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Kaufmann, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 582 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Brenden, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Blewett, Boulanger, Caferro, Driscoll, Keane, Larsen, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 575 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 4 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 37

Nays: Arntzen, Boulanger, D. Brown, Fielder, Moore, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 10 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 33

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Moore, Olson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 11 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 86 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 43

Nays: Priest, Ripley, Sales, Vincent, Walker, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 401 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 46

Nays: Augare, Stewart-Peregoy, Thomas, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 444 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Blewett, T. Brown, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 30

Nays: Arthun, Barrett Dick, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Jackson, Kaufmann, Olson, Ripley, Rosendale, Sales, Taylor, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 355 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 38

Nays: D. Brown, T. Brown, Hamlett, Keane, Moore, Murphy, Priest, Rosendale, Sales, Tutvedt, Vincent, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 34 adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Barrett Dick, Kaufmann, Malek, Phillips, Stewart-Peregoy.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 583 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 39

Nays: Boulanger, Brenden, Jackson, Priest, Rosendale, Sales, Sonju, Vincent, Webb, Wittich, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 320 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Ripley.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 498 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Tropila.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 254 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 41

Nays: Brenden, Lewis, Moore, Murphy, Rosendale, Sales, Taylor, Webb, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 94, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Blewett, T. Brown, Kaufmann, Phillips, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 183, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 250, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 160, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 275, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Hamlett, Jackson, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Windy Boy, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Fielder, Jent, Kaufmann, Larsen, Malek, Phillips, Priest, Stewart-Peregoy, Tropila, Van Dyk, Walker, Wanzenried, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Senator Sesso announced the Democrats will caucus; Senator Wittich announced the Republicans will caucus.

Senate recessed at 9:27 a.m. and reconvened at 11:34 a.m. Senator Thomas in the chair.

Roll Call. All members present. Quorum present.

Senator Wittich moved the committee **rise and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Essmann presiding.

MOTIONS

Senator Buttrey moved that **HB 579** be taken from Business, Labor, and Economic Affairs and brought before the Committee of the Whole on Monday, April 15, 2013, the seventy-ninth legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Jackson, Jones, Larsen, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 29

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Malek, Murphy, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator Ripley moved **HB 2** be concurred in. Senator Ripley made opening comments and outlined the process for presentation of **HB 2**.

SECTION B. Health and Human Services

Senator Priest acknowledged and thanked fellow committee members and staff then reviewed the Department of Health and Human Services budget in detail.

1. Senator Caferro moved **HB 2**, second reading copy, be amended as follows (amendment

B018):

1. Page B-5.
Strike: line 10 through line 12 in their entirety
Strike: line 15 through line 16 in their entirety
Renumber: subsequent subsections

2. Page B-5, line 20.
Strike: " 56,866,269 60,179,933 " [general fund FY 2014 and FY 2015]
Insert: " 58,560,732 62,652,972 " [general fund FY 2014 and FY 2015]
Strike: " 164,521,284 179,354,901 " [federal special fund FY 2014 and FY 2015]
Insert: " 167,623,509 183,759,835 " [federal special fund]

3. Page B-7.
Following: line 22
Insert: Medicaid Services –- Developmental Services includes $2,811,336 in fiscal year 2014 and $2,867,563 in fiscal year 2015 that may be used only to increase rates for children's mental health case management services to a level no less than the current fiscal year 2013 targeted case management rate for adults with severe disabling mental illness. This rate increase is in addition to and may not supplant or be supplanted by any other rate increase approved by the legislature for provider rates.

Medicaid Services –- Developmental Services includes $1,985,352 in fiscal year 2014 and $4,010,410 in fiscal year 2015 that may be used only to increase provider rates for developmental disabilities medicaid core services above the rate paid in fiscal year 2013. This rate increase is in addition to and may not supplant or be supplanted by any other rate increase approved by the legislature for provider rates.

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Facey, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

2. Senator Priest moved **HB 2**, second reading copy, be amended as follows (amendment B019):

1. Page B-5, following line 2.
Insert: "b. Title X
2,305,688 2,306,322" [federal special fund FY 2014 and FY 2015]

2. Page B-5, following line 5.
Insert: "Title X is contingent upon inclusion of language in Senate Bill No. 395 that prohibits the provision of these funds to entities that perform abortions."

Amendment **not** adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

3. Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows (amendment B004):

1. Page B-4, line 27.
Strike: "42,615,129 42,431,294" [federal special fund FY 2014
federal special fund FY 2015]
Insert: "44,920,817 44,737,616" [federal special fund FY 2014
federal special fund FY 2015]

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

4. Senator Sesso moved **HB 2**, second reading copy, be amended as follows (amendment B020):

1. Page B-5, following line 2.
Insert: "b. Title X
2,305,688 2,306,322" [federal special fund FY 2014 and FY 2015]

2. Page B-5, following line 5.
Insert: "Title X monies may be used only for purposes allowed by federal law."

Amendment adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

5. Senator L. Jones moved **HB 2**, second reading copy, be amended with amendment O002): Senator Jones withdrew his motion to review amendment language.

6. Senator Walker moved **HB 2**, second reading copy, be amended as follows (amendment O001):

1. Page A-1, line 6.
Strike: "6,549,178 7,058,675" [general fund FY 2014 and FY 2015]
Insert: "6,313,193 6,815,627" [general fund FY 2014 and FY 2015]

2. Page A-1
Following: line 25
Insert: "Legislative Services includes a reduction in general fund of $235,985 in fiscal year 2014 and $243,048 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

3. Page A-2, line 10.
Strike: "2,536,426 2,538,815" [general fund FY 2014 and FY 2015]
Insert: "2,414,390 2,419,047" [general fund FY 2014 and FY 2015]

4. Page A-3
Following: line 11
Insert: "Executive Office Program includes a reduction in general fund of $122,036 in fiscal year 2014 and $119,768 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

5. Page A-4, line 1.
Strike: "474,308 484,949" [general fund FY 2014 and FY 2015]
Insert: "463,976 475,250" [general fund FY 2014 and FY 2015]

6. Page A-6, line 6.
Strike: "4,686,687 4,682,468" [general fund FY 2014 and FY 2015]
Insert: "3,688,084 3,688,004" [general fund FY 2014 and FY 2015]

7. Page A-7
Following: line 21
Insert: "Director's Office includes a reduction in general fund of $998,603 in fiscal year 2014 and $994,464 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

8. Page A-8, line 6.
Strike: "1,298,230 1,296,348" [general fund FY 2014 and FY 2015]
Insert: "1,172,373 1,172,636" [general fund FY 2014 and FY 2015]

9. Page A-9.
Following: line 21
Insert: "State Accounting Division includes a reduction of general fund money of $125,857 in fiscal year 2014 and $123,712 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

10. Page A-9, line 27.

Strike: "1,930,520 1,933,880" [general fund FY 2014 and FY 2015]
Insert: "1,801,296 1,824,665" [general fund FY 2014 and FY 2015]

11. Page A-11.
Following: line 14
Insert: "Business Resources Division includes a reduction of general fund money of $129,224 in fiscal year 2014 and $109,215 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

12. Page A-11, line 26.
Strike: "183,517 183,242" [general fund FY 2014 and FY 2015]
Insert: "157,810 157,020" [general fund FY 2014 and FY 2015]

13. Page A-12.
Following: line 21
Insert: "Commissioner's Office/Centralized Services Division includes a reduction of general fund money of $25,707 in fiscal year 2014 and $26,222 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

14. Page A-13, line 20.
Strike: "1,636,659 1,643,639" [general fund FY 2014 and FY 2015]
Insert: "1,514,927 1,522,050" [general fund FY 2014 and FY 2015]

15. Page A-14,
Following: line 21
Insert: "Army National Guard Program includes a reduction of general fund money of $121,732 in fiscal year 2014 and $121,589 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

16. Page B-3, line 27.
Strike: "11,552,729 11,248,543" [general fund FY 14 and FY 15]
Insert: " 8,867,904 8,501,055" [general fund FY 14 and FY 15]

17. Page B-4
Following: line 22
Insert: "Technology Services Division includes a reduction in general fund money of $2,684,825 in fiscal year 2014 and $2,747,488 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

18. Page C-1, line 8.
Strike: "309,125 309,125" [general fund FY 2014 and FY 2015]
Insert: "302,942 302,942" [general fund FY 2014 and FY 2015]

19. Page C-2.
Following: line 24
Insert: "Aquatic Invasive Species Funding includes a reduction in general fund money of $6,183 in fiscal year 2014 and $6,183 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

20. Page C-3, line 14.
Strike: "2,630,738 2,631,807"[general fund FY 2014 and FY 2015]
Insert: "2,526,281 2,527,293"[general fund FY 2014 and FY 2015]

21. Page C-4.
Following: line 24
Insert: "Planning, Prevention, and Assistance Division includes a reduction in general fund money of $104,457 in fiscal year 2014 and $104,514 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

22. Page C-7, line 3.
Strike: "289,824 289,284" [general fund FY 2014 and FY 2015]
Insert: "259,664 259,332" [general fund FY 2014 and FY 2015]

23. Page C-8.
Following: line 10
Insert: "Diagnostic Laboratory Program includes a reduction in general fund money of $30,160 in fiscal year 2014 and $29,952 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

24. Page C-8, line 13.
Strike: "3,375,121 3,418,502"[general fund FY 2014 and FY 2015]
Insert: "2,901,792 2,946,215"[general fund FY 2014 and FY 2015]

25. Page C-10.
Following: line 20
Insert: "Centralized Services includes a reduction in general fund money of $473,329 in fiscal year 2014 and $472,287 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

26. Page C-11, line 19.
Strike: "296,527 296,527" [general fund FY 2014 and FY 2015]
Insert: "277,140 277,986" [general fund FY 2014 and FY 2015]

27. Page C-12.
Following: line 10
Insert: "Agricultural Sciences Division includes a reduction in general fund money of $19,387 in fiscal year 2014 and $18,541 in fiscal year 2015. The agency may allocate this

reduction in funding among programs when developing 2015 biennium operating plans."

28. Page D-1, line 5.
Strike: "9,303,970 9,406,384" [general fund FY 2014 and FY 2015]
Insert: "8,564,237 8,670,445" [general fund FY 2014 and FY 2015]

29. Page D-2.
Following: line 3
Insert: "Supreme Court Operations includes a reduction in general fund money of $739,733 in fiscal year 2014 and $735,939 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

30. Page D-2, line 6.
Strike: "1,411,695 1,410,767" [general fund FY 2014 and FY 2015]
Insert: "1,364,823 1,363,913" [general fund FY 2014 and FY 2015]

31. Page D-2, line 20.
Strike: "6,043,502 6,033,578" [general fund FY 2014 and FY 2015]
Insert: "5,464,064 5,454,013" [general fund FY 2014 and FY 2015]

32. Page D-4.
Following: line 5
Insert: "Legal Services Division includes a reduction in general fund money of $579,438 in fiscal year 2014 and $579,565 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

33. Page D-5, line 4.
Strike: "23,400,417 23,515,752" [general fund FY 2014 and FY 2015]
Insert: "22,876,344 22,990,410" [general fund FY 2014 and FY 2015]

34. Page D-5.
Following: line 20
Insert: "Office of State Public Defender includes a reduction in general fund money of $524,073 in fiscal year 2014 and $525,342 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

35. Page D-5, line 24.
Strike: "18,330,908 18,345,453" [general fund FY 2014 and FY 2015]
Insert: "17,613,633 17,624,777" [general fund FY 2014 and FY 2015]

36. Page D-7.
Following: line 13
Insert: "Administration and Support Services includes a reduction in general fund money of $717,275 in fiscal year 2014 and $720,676 in fiscal year 2015. The agency may

allocate this reduction in funding among programs when developing 2015 biennium operating plans."

37. Page E-1, line 5.
Strike: " 10,033,158 10,048,526 " [general fund FY14 & FY15]
Insert: " 9,808,231 9,823,182 " [general fund FY14 & FY15]

38. Page E-1, line 27.
Strike: "5,044,500 5,149,426" [general fund FY14 & FY15]
Insert: "4,943,610 5,046,437" [general fund FY14 & FY15]

39. Page E-2, line 6.
Strike: "787,800 787,800" [general fund FY14 & FY15]
Insert: "772,044 772,044" [general fund FY14 & FY15]

40. Page E-2, line 8.
Strike: "1,500,000 1,500,000" [general fund FY14 & FY15]
Insert: "1,470,000 1,470,000" [general fund FY14 & FY15]

41. Page E-2, line 10.
Strike: "525,000 525,000" [general fund FY14 & FY15]
Insert: "514,500 514,500" [general fund FY14 & FY15]

42. Page E-2, line 12.
Strike: "250,000 250,000" [general fund FY14 & FY15]
Insert: "245,000 245,000" [general fund FY14 & FY15]

43. Page E-2, line 14.
Strike: "663,861 663,861" [general fund FY14 & FY15]
Insert: "650,584 650,584" [general fund FY14 & FY15]

44. Page E-2, line 20.
Strike: "128,960 128,960" [general fund FY14 & FY15]
Insert: "126,381 126,381" [general fund FY14 & Fy15]

45. Page E-4, line 1.
Strike: " 192,710 192,932 " [general fund FY14 & FY15]
Insert: " 188,527 189,073 " [general fund FY14 & FY15]

46. Page E-4, line 9.
Strike: " 425,199 423,849 " [general fund FY14 & FY15]
Insert: " 298,043 297,710 " [general fund FY14 & FY15]

47. Page E-5.

Following: line 1
Insert: "Administrative Program includes a reduction in general fund money of $127,156 in fiscal year 2014 and $126,139 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

48. Page E-5, line 4.
Strike: "465,226 476,907" [general fund FY 14 and FY 15]
Insert: "453,702 467,369" [general fund FY 14 and FY 15]

49. Page E-5, line 21.
Strike: "2,796,134 2,790,572" [general fund FY 14 and FY 15]
Insert: "2,731,984 2,727,455" [general fund FY 14 and FY 15]

50. Page E-6, line 13.
Strike: "964,702 951,765" [general fund FY 14 and FY 15]
Insert: "896,335 889,399" [general fund FY 14 and FY 15]

51. Page E-7.
Following: line 10
Insert: "Administration Program includes a reduction in general fund money of $68,367 in fiscal year 2014 and $62,366 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

52. Page E-8, line 2.
Strike: "12,439,325 12,440,785" [general fund FY 14 and FY 15]
Insert: "8,418,757 8,382,092" [general fund FY 14 and FY 15]

53. Page E-11.
Following: line 2
Insert: "OCHE -- Community College Assistance includes a reduction in general fund money of $4,020,568 in fiscal year 2014 and $4,058,693 in fiscal year 2015. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 20

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

7. Senator L. Jones moved **HB 2**, second reading copy, be amended as follows (amendment O003):

1. Page BP-1, line 15.
Insert: "NEW SECTION. **Section 3. Legislative intent.** It is the intent of the legislature that the appropriations for personal services contained in this bill for fiscal year 2014 and fiscal year 2015, except for the reductions contained in decision packages that remove an additional vacancy savings amount, are supported by only the number of FTE that are funded. It is the intent of the legislature that this net level of FTE is the level that will be used to calculate personal services funding in the next biennium."
Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 34

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

8. Senator Webb moved **HB 2**, second reading copy, be amended as follows (B012):

1. Page B-5, line 20.
Strike: " 56,866,269 60,179,933 " [general fund FY 2014 and FY 2015]
Insert: " 56,697,619 60,011,283 " [general fund FY 2014 and FY 2015]
Strike: " 164,521,284 179,354,901 " [federal special fund FY 2014 and FY 2015]
Insert: " 164,189,934 179,023,551 " [federal special fund FY 2014 and FY 2015]

Amendment **not** adopted as follows:

Yeas: Arntzen, Boulanger, Caferro, Fielder, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 16

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Priest moved **Section B** be closed. Motion carried.

SECTION A. General Government

Senator Olson acknowledged and thanked fellow committee members and staff then reviewed the budget of each agency in Section A: Legislative Branch, Consumer Counsel, Governor's Office, Secretary of State, Commissioner of Political Practices, State Auditor's Office, Department of Revenue, Department of Administration, Department of Commerce, Department of Labor and Industry, and Department of Military Affairs.

9. Senator Essmann moved **HB 2**, second reading copy, be amended as follows (A001):

1. Page A-6, line 6.
Strike: "4,686,687 4,682,468 " [general fund FY 2014 and FY 2015]
Insert: "4,624,346 4,638,337 " [general fund FY 2014 and FY 2015]

2. Page A-6, line 9 through line 10.
Strike: line 9 through line 10 in their entirety
Renumber: subsequent subsections

3. Page A-7, line 15.
Following: line 14
Insert: "b. Review of Active Exempt Property Records (Restricted/OTO)
145,918 124,210" [general fund FY 2014 and FY 2015]

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

10. Senator Buttrey moved **HB 2**, second reading copy, be amended as follows (A018):

1. Page A-4.
Following: line 4
Insert: "b. Agency Legal Counsel (OTO)
71,503 71,458" [general fund FY 2014 and FY 2015]
Renumber: subsequent subsections

2. Page D-2.
Strike: line 21 through line 22 in their entirety
Renumber: subsequent subsections

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 43

Nays: D. Brown, Moore, Priest, Sales, Walker, Webb, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

11. Senator Buttrey moved **HB 2**, second reading copy, be amended as follows (A011):

1. Page A-3, line 15.
Strike: "5,215,544 5,217,347" [proprietary FY 2014 and FY 2015]
Insert: "4,524,915 4,523,318" [proprietary FY 2014 and FY 2015]

2. Page A-3, line 19.
Following: line 19
Insert: "c. Statewide Voter Registration System (Restricted) 690,629 694,029"
[proprietary FY 2014 and FY 2015]

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Fielder, Malek, Tropila, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

12. Senator Walker moved **HB 2**, second reading copy, be amended as follows (A008):

1. Page A-2, line 10.
Strike: "2,536,426 2,538,815" [general fund FY 2014 and FY 2015]
Insert: "2,341,288 2,343,603" [general fund FY 2014 and FY 2015]

Amendment **not** adopted as follows:

Yeas: Arntzen, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll,

Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

13. Senator Walker moved **HB 2**, second reading copy, be amended as follows (A003):

1. Page A-1, line 14.
Strike: "683,156 573,224 " [general fund FY 2014 and FY 2015]
Insert: "341,578 286,612 " [general fund FY 2014 and FY 2015]

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Lewis, Priest, Rosendale, Sales, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 16

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 34

Absent or not voting: None.
Total 0

Excused: None.
Total 0

14. Senator Wanzenried moved **HB 2**, second reading copy, be amended as follows (A019):

1. Page A-2, line 10.
Strike: "2,536,426 2,538,815" [general fund FY 2014 and FY 2015]
Insert: "2,341,288 2,343,603" [general fund FY 2014 and FY 2015]

2. Page A-10.
Following: line 20
Insert: "3. Energy Promotion and Development Division (55) 493,494 494,895"
[general fund FY 2014 and FY 2015]

Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Olson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 23

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Malek, Moore, Murphy, Peterson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Olson moved **Section A** be closed. Motion carried.

SECTION C. Natural Resources and Highways

Senator Rosendale acknowledged and thanked fellow committee members and staff then reviewed the budget of each agency in Section C: Fish, Wildlife and Parks, Department of Environmental Quality, Department of Transportation, Department of Livestock, Department of Natural Resources and Conservation, and Department of Agriculture.

15. Senator Van Dyk moved **HB 2**, second reading copy, be amended as follows (C001):

1. Page C-1.
Strike: line 21
Insert: "10,059,399 10,160,813" [state special fund FY 2014 and FY 2015]
Insert: "8,089,482 8,016,047" [federal special fund FY 2014 and FY 2015]

Amendment adopted as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 36

Nays: Arthun, Brenden, Fielder, Jackson, Lewis, Moore, Olson, Ripley, Rosendale, Sales, Taylor, Walker, Webb, Wittich.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

16. Senator Rosendale moved **HB 2**, second reading copy, be amended as follows (C005):

1. Page C-7.
Following: line 1
Insert: "c. Predator Control of Grizzly Bear (Restricted/OTO)
250,000 250,000" [state special fund FY 2014 and FY 2015]

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 32

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jackson, Jent, Kaufmann, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

17. Senator Brenden moved **HB 2**, second reading copy, be amended as follows (C004):

1. Page C-3.
Following: line 8
Insert: "If House Bill No. 404 is passed and approved with a fund switch of $1,259,209 for fiscal year 2014 and fiscal year 2015 from the wildlife habitat acquisition account to the hunting access account, the Wildlife Division is appropriated $1,259,209 in state special revenue from the hunting account for hunting access and is restricted for the use of land contract expenditures.

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved **Section C** be closed. Motion carried.

SECTION D. Judicial Branch, Law Enforcement, and Justice

Senator Walker acknowledged and thanked fellow committee members and staff then reviewed the budget of each agency in Section C: Judicial Branch, Department of Justice, Public Service Commission, Office of Public Defender, and Department of Corrections.

18. Senator Tropila moved **HB 2**, second reading copy, be amended as follows (D010):

1. Page D-1, line 5.
Strike: "9,303,970 9,406,384" [general fund FY 2014 and FY 2015]
Insert: "9,699,483 9,802,413" [general fund FY 2014 and FY 2015]
Strike: "236,750 236,679" [state special fund FY 2014 and FY 2015]
Insert: "241,555 241,556" [state special fund FY 2014 and FY 2015]
Strike: "119,828 119,788" [federal special fund FY 2014 and FY 2015]
Insert: "120,882 120,841" [federal special fund FY 2014 and FY 2015]

2. Page D-2.
Strike: line 1 through line 3 in their entirety

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila,

Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 34

Nays: Arntzen, Boulanger, Brenden, Fielder, Jackson, Jones, Lewis, Priest, Ripley, Sales, Sonju, Taylor, Vincent, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

19. Senator Keane moved **HB 2**, second reading copy, be amended as follows (D016):

1. Page D-2.
Following: line 24
Insert: "c. Major Litigation - Montana v. Wyoming Water Litigation (Restricted/Biennial/OTO) 1,000,000 1,000,000" [general fund FY 2014 and FY 2015]

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 30

Nays: Arntzen, Boulanger, Brenden, Fielder, Jones, Lewis, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Thomas, Tropila, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

20. Senator Keane moved **HB 2**, second reading copy, be amended as follows (D007):

1. Page D-6, line 17.
Strike: "245,811" [general fund FY 2014]
Insert: "301,162" [general fund FY 2014]

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

21. Senator Tropila moved **HB 2**, second reading copy, be amended as follows (D002):

1. Page D-6, line 13.
Strike: "61,056,337 61,210,977" [general fund FY 2014 and FY 2015]
Insert: "61,172,087 61,326,727" [general fund FY 2014 and FY 2015]
Strike: "1,475,211 1,475,211" [state special fund FY 2014 and FY 2015]
Insert: "1,359,461 1,359,461" [state special fund FY 2014 and FY 2015]

2. Page D-7, line 4.
Strike: "17,787,983 17,817,228" [general fund FY 2014 and FY 2015]
Insert: "17,870,043 17,899,288" [general fund FY 2014 and FY 2015]
Strike: "1,081,784 1,081,784" [state special fund FY 2014 and FY 2015]
Insert: "999,724 999,724" [state special fund FY 2014 and FY 2015]

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Absent or not voting: None.

Total 0

Excused: None.
Total 0

22. Senator Tropila moved **HB 2**, second reading copy, be amended as follows (D008):

1. Page D-6, line 13.
Strike: "61,056,337 61,210,977 " [general fund FY 2014 and FY 2015]
Insert: "61,285,135 61,439,775 " [general fund FY 2014 and FY 2015]

2. Page D-7.
Strike: line 14 through line 15

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

23. Senator Tropila moved **HB 2**, second reading copy, be amended as follows (D009):

1. Page D-5, line 4.
Strike: "23,400,417 23,515,752" [general fund FY 2014 and FY 2015]
Insert: "23,672,034 23,787,302" [general fund FY 2014 and FY 2015]

2. Page D-5.
Strike: line 19 through line 20

Amendment **not** adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson,

Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

24. Senator Walker moved **HB 2**, second reading copy, be amended as follows (D018):

1. Page D-5.
Strike: line 7 through line 8 in their entirety
Renumber: subsequent subsections

2. Page D-5.
Strike: line 13 through line 14 in their entirety

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

25. Senator Walker moved **HB 2**, second reading copy, be amended as follows (D019):

1. Page D-5, line 4.

Strike: "23,400,417 23,515,752" [general fund FY 2014 and FY 2015]
Insert: "22,900,417 23,015,752" [general fund FY 2014 and FY 2015]

2. Page D-5.
Strike: line 7 through line 8 in their entirety
Renumber: subsequent subsections

3. Page D-5.
Strike: line 13 through line 14 in their entirety

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Walker moved **Section D** be closed. Motion carried.

SECTION E. Education

Senator Jones acknowledged and thanked fellow committee members and staff then reviewed the budget of each agency in Section E: Office of Public Instruction, Board of Education, Montana School for the Deaf and Blind, Montana Arts Council, Montana State Library, Montana Historical Society, University System and the Commissioner of Higher Education.

26. Senator Walker moved **HB 2**, second reading copy, be amended as follows (E034):

1. Page E-5.
Strike: line 11 through line 12 in their entirety

2. Page E-5.
Strike: line 16 through line 18 in their entirety

Amendment **not** adopted as follows:

Yeas: Boulanger, D. Brown, Fielder, Jackson, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 17

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

27. Senator Fielder moved **HB 2**, second reading copy, be amended as follows (E001):

1. Page E-1, line 5.
Strike: " 10,033,158 10,048,526 " [general fund FY 2014 and FY 2015]
Insert: " 9,029,842 9,043,673 " [general fund FY 2014 and FY 2015]

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Olson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 20

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

28. Senator Walker moved **HB 2**, second reading copy, be amended as follows (E036):

1. Page E-8, line 13.
Strike: "145,004,305 146,828,116" [general fund FY 14 and FY 15]

Insert: "144,004,305 145,828,116" [general fund FY 14 and FY 15]

Amendment **not** adopted as follows:

Yeas: Arthun, Boulanger, D. Brown, T. Brown, Jackson, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 17

Nays: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Larsen expressed a conflict of interest before voting on the amendment.

29. Senator Webb moved **HB 2**, second reading copy, be amended as follows (E021):

1. Page E-9, line 2.
Strike: "5,399,931 5,406,536" [general fund FY 14 and FY 15]
Insert: "4,859,938 4,865,882" [general fund FY 14 and FY 15]

Amendment **not** adopted as follows:

Yeas: D. Brown, Jackson, Moore, Olson, Taylor, Walker, Webb, Wittich, Mr. President.
Total 9

Nays: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 41

Absent or not voting: None.
Total 0

Excused: None.
Total 0

30. Senator T. Brown moved **HB 2**, second reading copy, be amended as follows (E029):

1. Page E-3, following line 11.
Insert: "t. Regional Professional Development (Restricted/OTO)"
Insert: "750,000 750,000" [general fund FY14 & FY15]

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

31. Senator Hamlett moved **HB 2**, second reading copy, be amended as follows (E033):

1. Page E-9, line 7.
Strike: "100,000 100,000" [general fund FY 2014 and FY 2015]
Insert: "200,000 200,000" [general fund FY 2014 and FY 2015]

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Moore, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 25

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Jackson, Jones, Keane, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jones moved **Section E** be closed. Motion carried.

HB 2 - Senator Ripley moved **HB 2**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 36

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Moore, Rosendale, Sales, Sonju, Vincent, Walker, Webb, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Ripley, Chair): 4/12/2013
SB 410, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "AN"
Insert: "IMMEDIATE"

2. Page 1, line 11.
Following: "2013,"
Strike: "there is transferred"
Insert: "the state treasurer shall transfer"

3. Page 1, line 14.
Strike: "July 1, 2013"
Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

HB 5, be amended as follows:

1. Page 1, line 12.
Strike: "12"
Insert: "10"

2. Page 1, line 16.
Strike: "12"
Insert: "10"

3. Page 3, line 18 through line 19.
Strike: line 18 through line 19 in their entirety

4. Page 3, line 21 through page 4, line 2.
Strike: page 3, line 21 through page 4, line 2 in their entirety

5. Page 4, line 6.
Strike: line 6 in its entirety

6. Page 8, line 4 through line 5.
Strike: "SHALL GIVE FIRST CONSIDERATION TO"
Insert: "may consider only"
Following: "AGREEMENTS"

Strike: "," on line 4 through "ACQUISITIONS" on line 5

7. Page 8, line 13 through line 15.
Strike: section 5 in its entirety
Renumber: subsequent sections

8. Page 9, line 19 through page 10, line 5.
Strike: section 10 in its entirety
Renumber: subsequent sections

9. Page 10, line 7.
Strike: "$91,800,000"
Insert: "$9,800,000"

10. Page 10, line 10.
Strike: "11"
Insert: "9"

11. Page 10, line 11.
Strike: "11"
Insert: "9"

And, as amended, be concurred in. Report adopted.

HB 6, be amended as follows:

1. Title, page 1, line 8.
Following: "PROGRAM;"
Insert: "APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO IMPLEMENT COMPACTS FOR THE BLACKFEET TRIBE AND THE FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP RESERVATION;"

2. Page 1, line 29.
Strike: "AND"

3. Page 2, line 7.
Following: "$176,850"
Insert: ";(h) $3 million to be deposited in the Peoples Creek minimum flow account provided for in 85-20-1007 for implementation of the Fort Belknap Indian Community-Montana water rights compact; and

(i) $14 million to be deposited in the Blackfeet Tribe water rights compact infrastructure account provided for in 85-20-1505 for water-related infrastructure projects within the exterior boundaries of the Blackfeet Indian reservation as provided for in 85-20-1505"

4. Page 9, line 29.
Strike: "$3,473,686"
Insert: "$20,473,686"

5. Page 10, line 5.
Insert: "NEW SECTION. **Section 7. Coordination instruction.** If House Bill No. 14 is passed and approved and provides for funding for the projects outlined in [section 1(1)(h) or (1)(i) of this act], the appropriations made in [section 1(1)(h) or (1)(i) of this act] must be reduced by the amounts appropriated in House Bill No. 14 and the difference must revert to the general fund."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 13, be amended as follows:

1. Title, page 1, line 8.
Following: "REVISIONS"
Strike: ","
Insert: "AND"

2. Title, page 1, lines 8 and 9.
Strike: ", AND" on line 8 through "INITIATIVE" on line 9

3. Title, page 1, line 10.
Following: "SECTIONS"
Insert: "2-18-301,"
Following: "2-18-303"
Insert: ","

4. Page 1, line 14.
Following: line 13
Insert: "Section 1. Section 2-18-301, MCA, is amended to read:

"2-18-301. Intent of part -- rules. (1) It is the intent of the legislature that compensation plans for state employees, excluding those employees excepted under 2-18-103 or 2-18-104, be based~~, in part,~~ on an analysis and comparison of the municipal and state government labor ~~market~~ markets in North Dakota, South Dakota, Idaho, and Wyoming as provided by the department ~~in a biennial salary survey~~ from the national compensation association of state governments salary survey and other information relative to the state government salaries and compensation in those states. ~~The salary survey must be submitted~~ For the biennium beginning July 1, 2013, the department shall determine this information before pay raises are implemented. For legislative sessions following the biennium beginning July 1, 2013, the department shall submit to the office of budget and program planning as a part of the information required by 17-7-111~~.~~:

(a) an analysis of how Montana government employee salaries and other compensation

compare to the municipal and state government salaries in North Dakota, South Dakota, Idaho, and Wyoming; and

(b) an analysis of the labor market as determined by the department in a biennial salary survey.

(2) Pay adjustments, if any, provided for in 2-18-303 supersede any other plan or systems established through collective bargaining after the adjournment of the legislature.

(3) Total funds required to implement the pay increases, if any, provided for in 2-18-303 for any employee group or bargaining unit may not be increased through collective bargaining over the amount appropriated by the legislature.

(4) The department shall administer the pay program established by the legislature on the basis of competency, internal equity, and competitiveness to ~~external labor markets~~ the municipal and state government labor markets in North Dakota, South Dakota, Idaho, and Wyoming. The intent is to bring all pay bands to the same relationship percentage of the market rate midpoint salary comparison when fiscally able.

(5) The broadband pay plan must consist of nine pay bands. Each pay band must contain a salary range with a minimum salary and a maximum salary.

(6) Based on the biennial salary survey, the department shall:

(a) identify current market rates for all occupations;

(b) establish salary ranges for each pay band; and

(c) recommend competitive pay zones with the municipal and state government labor markets in North Dakota, South Dakota, Idaho, and Wyoming using the national compensation association of state governments salary survey and other relevant information for those states.

(7) The department may promulgate rules not inconsistent with the provisions of this part, collective bargaining statutes, or negotiated contracts to carry out the purposes of this part.

(8) Nothing in this part prohibits the board of regents from engaging in negotiations with the collective bargaining units representing the classified staff of the university system.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 580, be amended as follows:

1. Page 2, line 18.
Strike: "general fund"
Insert: "state special revenue fund oil and gas ERA account"

And, as amended, be concurred in. Report adopted.

HB 627, be amended as follows:

1. Page 1, line 19.
Following: "department"
Insert: "and the department of commerce"

2. Page 1, line 29.
Following: "department"
Insert: "and the department of commerce"

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Wittich moved to appoint a Conference Committee on **SB 323** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/13/2013

Senator Thomas, Chair
Senator Debby Barrett
Senator Vuckovich

Senator Wittich moved to appoint a Conference Committee on **SB 256** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/13/2013

Senator F. Moore, Chair
Senator Hamlett
Senator Sales

Senator Wittich moved to appoint a Conference Committee on **SB 223** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/13/2013

Senator Murphy, Chair
Senator Caferro
Senator Webb

Senator Wittich moved to appoint a Conference Committee on **SB 198** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/13/2013

Senator Thomas, Chair
Senator Boulanger
Senator Tropila

Senator Wittich moved to appoint a Conference Committee on **SJR 18** and request the House to appoint a like committee. Motion Carried. President Essmann appointed:

4/13/2013

Senator Thomas, Chair
Senator Dick Barrett
Senator Rosendale

Senator Vuckovich rose on a point of personal privilege.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 11:00 a.m., Monday, April 15, 2013, legislative day seventy-nine. Motion carried.

Senate adjourned at 5:51 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 15, 2013 — State Capitol

Senate convened at 11:00 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Hamlett, Olson, Tutvedt, Van Dyk, and Vincent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/15/2013

Correctly printed: **SR 46**, **SR 48**, **SR 55**, **HB 262**, **HB 579**.
Correctly engrossed: **SB 410**, **HB 5**, **HB 6**, **HB 13**, **HB 408**, **HB 414**, **HB 420**, **HB 447**, **HB 574**, **HB 580**, **HB 586**, **HB 604**, **HB 623**, **HB 627**.
Correctly enrolled: **SB 84**, **SB 94**, **SB 114**, **SB 138**, **SB 158**, **SB 160**, **SB 183**, **SB 191**, **SB 250**, **SB 275**, **SB 301**, **SB 302**, **SB 324**, **SB 325**, **SB 336**, **SB 337**, **SB 357**, **SR 34**, **SR 41**, **SR 44**, **SR 45**, **SR 50**, **SR 54**.
Transmitted to the House: **HB 4**, **HB 10**, **HB 11**, **HB 86**, **HB 116**, **HB 254**, **HB 320**, **HB 355**, **HB 363**, **HB 401**, **HB 444**, **HB 498**, **HB 575**, **HB 582**, **HB 583**.
Signed by the Secretary of the Senate at 9:05 a.m., April 15, 2013: **SB 20**, **SB 107**, **SB 112**, **SB 127**, **SB 144**, **SB 179**, **SB 200**, **SB 236**, **SB 242**, **SB 269**, **SB 294**.
Signed by the President at 10:15 a.m., April 15, 2013: **SB 20**, **SB 107**, **SB 112**, **SB 127**, **SB 144**, **SB 179**, **SB 236**, **SB 242**, **SB 294**.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/13/2013

SB 84, introduced by Kaufmann
SB 158, introduced by Thomas
SB 191, introduced by T. Brown
SB 203, introduced by Buttrey
SB 301, introduced by Murphy
SB 302, introduced by Arntzen
SB 357, introduced by Facey

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

4/13/2013

SB 348, introduced by Thomas

SB 101 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 101:**

4/13/2013

Representative Flynn, Vice Chair
Representative Jacobson
Representative Welborn

SB 133 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 133:**

4/13/2013

Representative Wagoner, Vice Chair
Representative G. Bennett
Representative MacDonald

SB 26 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 26:**

4/13/2013

Representative Regier, Vice Chair
Representative Kary
Representative Steenberg

House joint resolution passed and transmitted to the Senate for concurrence: 4/13/2013

HJR 20, introduced by Dudik

HB 450 - The House failed to concur in Senate amendments to **HB 450,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 450:**

4/13/2013

Representative Hagan, Vice Chair
Representative Reichner
Representative Boland

Senator Van Dyk and Senator Vincent now present.

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 20, introduced by Dudik, Court, Gibson, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Olson and Senator Tutvedt present at this time.

HB 574 - Senator T. Brown moved **HB 574** be concurred in.

HB 574 - Senator T. Brown moved **HB 574**, second reading copy, be amended as follows:

1. Page 7, line 13.
Strike: "A RAW" through "PURSUANT TO"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 41

Nays: Barrett Dick, Blewett, Jent, Sales, Tropila, Van Dyk, Wanzenried, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Hamlett.
Total 1

HB 574 - Senator T. Brown moved **HB 574**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jones, Keane, Larsen, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Barrett Dick, Blewett, Jent, Jergeson, Kaufmann, Lewis, Peterson, Tropila, Van Dyk, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: Hamlett.
Total 1

HB 630 - Senator Malek moved **HB 630** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 30

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: Hamlett.
Total 1

Senator Hamlett present at this time.

HB 12 - Senator Webb moved **HB 12** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 39

Nays: Blewett, D. Brown, Fielder, Jones, Lewis, Moore, Priest, Ripley, Sales, Vincent, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 15 - Senator L. Jones moved **HB 15** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Arntzen, Arthun, Barrett Debby, Blewett, D. Brown, Jackson, Priest, Sales, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 354 - Senator Lewis moved **HB 354** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Driscoll, Jent, Jergeson, Kaufmann, Malek, Peterson, Phillips, Sales, Sonju, Thomas, Tutvedt, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 586 - Senator Brenden moved **HB 586** be concurred in.

HB 586 - Senator Ripley moved **HB 586**, second reading copy, be amended as follows:

1. Title, page 1, line 11 through line 12.
Strike: "TRANSFERRING MONEY FROM THE" on line 11 through "STATE GENERAL FUND;"

on line 12

2. Title, page 1, line 12 through line 13.
Following: "APPROPRIATION" on line 12
Strike: remainder of line 12 through "APPROPRIATION" on line 13

3. Title, page 1, line 13.
Strike: "15-1-122, 17-7-502,"

4. Title, page 1, line 15.
Strike: "AND A TERMINATION DATE"

5. Page 3, line 5 through page 6, line 5.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent sections

6. Page 7, line 27.
Following: "**account**"
Strike: "**-- statutory appropriation**"

7. Page 8, line 3 through line 4.
Following: "used"
Strike: remainder of line 3 through "part" on line 4
Insert: "for projects that prevent or control any nonnative, aquatic invasive species pursuant to this part"

8. Page 8, line 10 through line 14.
Strike: subsection (6) in its entirety

9. Page 12, line 19.
Following: "**Appropriation.**"
Insert: "(1)"

10. Page 12, following line 21.
Insert: "(2) For the biennium beginning July 1, 2013, there is appropriated to the department of natural resources and conservation $300,000 from the general fund for projects that prevent or control any nonnative, aquatic invasive species pursuant to 80-7-1004."

11. Page 12, line 28.
Strike: "13"
Insert: "11"

12. Page 12, line 30.
Strike: section 16 in its entirety

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 44

Nays: Moore, Priest, Taylor, Van Dyk, Wanzenried, Wittich.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Vuckovich excused at this time.

HB 586 - Senator Brenden moved **HB 586**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Vuckovich.
Total 1

Senator Vuckovich present at this time.

HB 625 - Senator Caferro moved **HB 625** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann,

Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 42

Nays: Boulanger, Fielder, Priest, Sales, Sonju, Vincent, Walker, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 298 - Senator Brenden moved **HB 298** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Brenden, T. Brown, Caferro, Fielder, Hamlett, Jergeson, Keane, Peterson, Taylor.
Total 11

Nays: Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 39

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 298 - Senator Wittich moved **HB 298** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 42

Nays: Arntzen, Barrett Debby, Brenden, Caferro, Fielder, Hamlett, Jergeson, Keane.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 609 - Senator Facey moved **HB 609** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 34

Nays: Arthun, Barrett Debby, Boulanger, Buttrey, Fielder, Moore, Olson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Facey rose on a point of parliamentary procedure.

SJR 26 - Senator Arntzen moved **SJR 26** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jergeson, Jones, Keane, Larsen, Lewis, Murphy, Peterson, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy, Mr. President.
Total 30

Nays: Barrett Debby, Barrett Dick, Blewett, Caferro, Fielder, Jackson, Jent, Kaufmann, Malek, Moore, Olson, Phillips, Ripley, Sales, Taylor, Tropila, Vincent, Walker, Wanzenried, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jergeson excused at this time.

HB 16 - Senator Augare moved **HB 16** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Barrett Debby, Boulanger, Brenden, T. Brown, Jackson, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Jergeson.
Total 1

Senator Jergeson present at this time.

HB 505 - Senator Rosendale moved **HB 505** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Keane, Lewis, Murphy, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 23

Nays: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Moore, Olson, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Wanzenried, Wittich.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 505 - Senator Wittich moved **HB 505** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Wanzenried, Wittich, Mr. President.

Total 31

Nays: Arntzen, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Hamlett, Jackson, Lewis, Moore, Murphy, Rosendale, Sonju, Taylor, Thomas, Vuckovich, Walker, Webb, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 87 - Senator Wanzenried moved **HB 87** be concurred in. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 63 - Senator Rosendale moved **SR 63** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 31 - **House Amendments** - Senator Debby Barrett moved House amendments to **SB 31** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Augare, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 579 - Senator Buttrey moved **HB 579** be concurred in.

HB 579 - Senator Buttrey moved **HB 579**, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "STRATEGIC AND"

2. Title, line 11.
Following: "APPROPRIATIONS;"
Insert: "CREATING A TASK FORCE FUND;"

3. Page 1, line 13 through line 20.
Strike: "WHEREAS" on line 13 through "commerce; and" on line 20

4. Page 1, line 22.
Following: "will put"
Insert: "veterans, military subcontracting businesses, and"

5. Page 1, line 23 through line 27.
Following: "future"
Strike: "; and" on line 23 through "implemented" on line 27

6. Page 2, line 1.

Strike: "**STRATEGIC AND**"

7. Page 2, line 2.
Strike: "STRATEGIC AND"

8. Page 2, line 3.
Strike: "SEVEN"
Insert: "four"

9. Page 2, line 4.
Strike: "UP TO THREE"
Insert: "two"

10. Page 2, line 18 through page 3, line 3.
Strike: subsection (b) in its entirety
Insert: "(b) The voting members must be as follows:
(i) a member representing the department of military affairs;
(ii) a member representing the business community as recommended by a statewide organization that represents Montana businesses;
(iii) a member representing veterans of the armed forces; and
(iv) a member representing the enlisted men and women of the armed forces as recommended by a statewide organization that represents the enlisted men and women of the armed forces."

11. Page 3, line 5.
Following: "senate;"
Insert: "and"

12. Page 3, line 6 through line 9.
Strike: ";" on line 6 through "PARTY" on line 9

13. Page 3, line 15.
Following: "2-18-503."
Insert: "The nonvoting legislative task force members are entitled to salary as provided in 5-2-302, and participation on the task force may be considered legislative business."

14. Page 3, lines 18 and 19.
Strike: "AND" on line 18 through "NATION" on line 19

15. Page 3, line 20.
Strike: "AND STRATEGIC"

16. Page 3, lines 25 and 26.
Strike: "AND" on line 25 through "ASSETS" on line 26

17. Page 3, line 27.
Strike: "develop a strategic"

18. Page 3, line 29.
Strike: "AND" through "DEFENSE"

19. Page 3, line 30.
Following: "to the"
Insert: "Montana congressional delegation, the"

20. Page 4, line 2.
Following: "duties;"
Insert: "and"

21. Page 4, line 3 through line 6.
Strike: subsection (f) in its entirety
Renumber: subsequent subsection

22. Page 4, line 11 through line 12.
Strike: "AND SUBMIT" on line 11 through "2013" on line 12

23. Page 4.
Following: line 12
Insert: "(7) The task force may apply for, accept, administer, and expend grants, gifts, and donations from any source for use in complying with the provisions of this section."

24. Page 4, line 15 through line 19.
Following: "commerce"
Strike: ":" on line 15 through "$163,000" on line 19
Insert: "$24,000"

25. Page 4.
Following: line 19
Insert: "NEW SECTION. **Section 3. Military economic impact task force fund created -- source of funding -- use of fund.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the military economic impact task force fund.

(2) There must be deposited in the account money received by the department of commerce for the purpose of administering [section 1] and any grants, gifts, or donations received as provided in [section 1]."

26. Page 4, line 23.
Strike: "STRATEGIC AND"

27. Page 4, line 28.

Strike: "[Section 1] is"
Strike: "[Sections 1 and 3] are"

28. Page 4, line 29.
Strike: "[section 1]"
Insert: "[sections 1 and 3]"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jones, Larsen, Lewis, Moore, Olson, Peterson, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Malek, Murphy, Phillips, Priest, Sales, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 579 - Senator Buttrey moved **HB 579**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Fielder, Jackson, Jones, Larsen, Olson, Peterson, Ripley, Rosendale, Sonju, Taylor, Thomas, Vincent.
Total 19

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Phillips, Priest, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 579 - Senator Wittich moved **HB 579** be **indefinitely postponed**. Motion carried as

follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 36

Nays: Arntzen, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Fielder, Jackson, Jones, Moore, Peterson, Sesso, Thomas, Webb.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sonju rose on a point of personal privilege.

Senator Debby Barrett rose on a point of personal privilege.

Senator Wanzenried excused at this time.

HB 415 - Senator L. Jones moved **HB 415** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vuckovich, Walker, Windy Boy.
Total 33

Nays: Augare, Barrett Debby, Boulanger, D. Brown, Caferro, Kaufmann, Rosendale, Sales, Sesso, Sonju, Taylor, Van Dyk, Vincent, Webb, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

HB 604 - Senator Priest moved **HB 604** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

Senator Wanzenried present at this time.

HB 420 - Senator T. Brown moved **HB 420** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Blewett, Boulanger, D. Brown, Fielder, Hamlett, Moore, Olson, Ripley, Rosendale, Sales, Sonju, Thomas, Tropila, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 23

Nays: Arthun, Augare, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Van Dyk.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 420 - Senator Wittich moved **HB 420** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Webb, Wittich, Mr. President.
Total 37

Nays: Arntzen, Blewett, D. Brown, Fielder, Hamlett, Ripley, Rosendale, Sales, Tropila,

Vuckovich, Walker, Wanzenried, Windy Boy.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 447 - Senator Stewart-Peregoy moved **HB 447** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Arthun, Ripley, Rosendale, Sales, Tutvedt, Vincent, Webb.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 - Senator Lewis moved **HB 5** be concurred in.

HB 5 - Senator Lewis moved **HB 5**, second reading copy, be amended as follows:

1. Page 4, line 15.
Following: line 14
Insert: "Construct Science and Instructional Tech Building Addition, MSU-Billings
10,000,000 [LRBP] 5,000,000 [Authority] 15,000,000" [Total]
Construct Missoula College UM, UM-Missoula
29,000,000 [LRBP] 3,000,000 [Authority] 32,000,000 [Total]"

2. Page 10, line 8.
Strike: "<u>$9,800,000</u>"
Insert: "$48,800,000"

HB 5 - Senator Wanzenried moved to divide the question. The Senate stood at ease for a short time to discuss rules related to the motion. Senator Wanzenried withdrew his motion.

HB 5 - Senator Lewis moved consideration of **HB 5** be placed at the bottom of the second reading board for the purpose of preparing an amendment. Without objection, so ordered.

Senators Buttrey, Fielder, and Vincent excused.

HB 6 - Senator Ripley moved **HB 6** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Sales, Walker.
Total 2

Absent or not voting: None.
Total 0

Excused: Buttrey, Fielder, Vincent.
Total 3

HB 13 - Senator Olson moved consideration of **HB 13** be placed at the bottom of the second reading board. Without objection, so ordered.

All Senators present at this time.

HB 580 - Senator Hamlett moved **HB 580** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 627 - Senator Buttrey moved **HB 627** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Murphy, Olson, Peterson, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Windy Boy.
Total 21

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Phillips, Priest, Rosendale, Sales, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 627 - Senator Wittich moved **HB 627** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 40

Nays: Arntzen, Brenden, T. Brown, Buttrey, Jackson, Peterson, Ripley, Stewart-Peregoy, Thomas, Windy Boy.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/15/2013
SJR 32, do pass. Report adopted.
HB 614, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair): 4/15/2013
HB 408, be amended as follows:

1. Page 10, line 3.
Strike: "year"
Insert: "years"
Following: "2013"
Insert: "and 2014"

2. Page 10, line 4.
Strike: subsection (ii) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

Senate recessed at 3:50 p.m. and reconvened at 4:00 p.m.

Roll Call. All members present, except Senator Facey, excused. Quorum present.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Facey present at this time.

HB 5 - Senator Lewis moved **HB 5** be concurred in.

HB 5 - Senator Lewis moved **HB 5**, second reading copy, be amended as follows (5-001):

1. Page 4, line 15.
Following: line 14
Insert: "Construct Science and Instructional Tech Building Addition, MSU-Billings
10,000,000 [LRBP] 5,000,000 [Authority] 15,000,000" [Total]
Construct Missoula College UM, UM-Missoula
29,000,000 [LRBP] 3,000,000 [Authority] 32,000,000 [Total]"

2. Page 10, line 8.
Strike: "$9,800,000"
Insert: "$48,800,000"

Amendment adopted as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy, Mr. President.
Total 32

Nays: Arthun, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Jackson, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Vincent, Walker, Wanzenried, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 - Senator Tropila moved **HB 5**, second reading copy, be further amended as follows (5-

002):

1. Page 8, line 3.
Following: "**appropriations.**"
Insert: "(1)"

2. Page 8, line 13.
Insert: "(2) The following funds in the indicated amounts are appropriated to the Montana university system for the purpose of land acquisition. The state may not enter into an agreement for the acquisition of land until the authority-only funds have been obtained.

Land Acquisition, Great Falls College-MSU
750,000 [LRBP] 750,000 [Authority] 1,500,000 [Total]"

3. Page 10, line 8.
Strike: "$9,800,000"
Insert: "$10,550,000"

Amendment adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Olson, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 - Senator Van Dyk moved **HB 5**, second reading copy, be further amended as follows (5-003):

1. Page 8, line 5 through line 6.
Strike: "MAY CONSIDER ONLY"
Insert: "shall give first consideration to"
Following: "~~ACQUISITIONS~~" on line 6
Insert: ", second consideration to perpetual conservation easements, and third consideration to fee title acquisitions"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 23

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 - Senator Kaufmann moved **HB 5**, second reading copy, be further amended as follows (5-004):

1. Page 3, line 21.
Following: line 20
Insert: "MONTANA HISTORICAL SOCIETY
Construct Montana Heritage Center, Helena 23,000,000 [LRBP] 23,000,000 [Total]"

2. Page 10, line 8.
Strike: "$9,800,000"
Insert: "$32,800,000"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 - Senator Sesso moved **HB 5**, second reading copy, be further amended with parts 6 and 7 of amendment HB 5-005. Parts 1 through 5, and Parts 8 through 10 of amendment HB 5-005 were excluded from Senator Sesso's motion.

1. Page 1, line 12.
Strike: "10"
Insert: "12"

2. Page 1, line 17.
Strike: "10"
Insert: "12"

3. Page 3, line 21.
Following: line 20
Insert: "MONTANA HISTORICAL SOCIETY
Construct Montana Heritage Center, Helena 23,000,000 [LRBP] 23,000,000 [Total]"

4. Page 4, line 15.
Following: line 14
Insert: "Renovate Romney Hall Classrooms, MSU-Bozeman 20,000,000 [LRBP] 5,000,000 [Authority] 25,000,000 [Total]
Construct Science and Instructional Tech Building Addition, MSU-Billings
10,000,000 [LRBP] 5,000,000 [Authority] 15,000,000" [Total]
Construct Missoula College UM, UM-Missoula 29,000,000 [LRBP] 3,000,000 [Authority] 32,000,000 [Total]"

5. Page 8, line 5 through line 6.
Strike: "MAY CONSIDER ONLY"
Insert: "shall give first consideration to"
Following: "~~ACQUISITIONS~~" on line 6
Insert: ", second consideration to perpetual conservation easements, and third consideration to fee title acquisitions"

6. Page 8, line 17.
Insert: "NEW SECTION. **Section 5. Transfer of appropriations.** Except for the department of fish, wildlife, and parks grant to the city of Missoula, the department of fish, wildlife, and parks and the department of transportation are authorized to transfer the appropriations and authority in [sections 3 and 4] as appropriate, among the necessary fund types for these projects."
Renumber: subsequent sections

7. Page 10, line 7.

Insert: "NEW SECTION. **Section 10. Capital project grants to local governments -- appropriations.** (1) Effective July 1, 2013, the following amounts are appropriated to the department of commerce from the general fund:

(a) $403,240 for a grant of up to $403,240 to the city of Browning for construction of the Browning fire hall; and

(b) $2 million for a grant of up to $2 million to the city of Kalispell for capital improvements to the kidsports complex.

(2) Funds are restricted to use for the projects and are payable as reimbursements.

(3) The department may adopt rules for the distribution of these funds.

(4) The department shall report on the progress on the projects to the 2015 long-range planning subcommittee.

(5) Any funds not required for the completion of these projects must revert to the general fund upon completion of the projects."

Renumber: subsequent sections

8. Page 10, line 8.
Strike: "$9,800,000"
Insert: "$91,800,000"

9. Page 10, line 11.
Strike: "9"
Insert: "11"

10. Page 10, line 12.
Strike: "9"
Insert: "11"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 25

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 - Senator Hamlett moved **HB 5**, second reading copy, be further amended as follows (5-006):

1. Page 4, line 4.
Following: "ROOF"
Insert: "or other renovations"

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jones, Moore, Priest, Ripley, Rosendale, Sales, Taylor, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: Facey.
Total 1

HB 5 - Senator Lewis moved **HB 5**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vuckovich, Windy Boy, Mr. President.
Total 31

Nays: Boulanger, Brenden, D. Brown, Fielder, Jackson, Jent, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Van Dyk, Vincent, Walker, Wanzenried, Webb, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 13 - Senator Olson moved **HB 13** be concurred in.

HB 13 - Senator Sesso moved **HB 13**, second reading copy, be amended as follows:

1. Title, page 1, line 9 through line 10.
Strike: "REQUIRING" on line 9 through "INCREASES;" on line 10

2. Title, page 1, line 10.
Strike: "2-18-301,"

3. Page 1, line 15 through page 2, line 18.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 3, line 2 through line 5.
Strike: "FUNDS" on line 2 through "2011." on line 5
Insert: "Funds appropriated under [section 3(1)] must be used to increase the base pay for each employee and must be distributed equitably among employees, including those subject to the provisions of Title 39, chapter 31."

5. Page 5, line 19.
Following: "2-18-303"
Insert: "and 2-18-703"

6. Page 5, line 24.
Strike: "$397,735 $52,500"
Insert: "$410,598" [General Fund]

7. Page 5, line 27.
Strike: "$18,922"
Insert: "$22,861"

8. Page 5, line 30.
Strike: "$859,838 $50,113 $1,821"
Insert: "$829,216 $72,678 $2,063"

9. Page 6, line 3.
Strike: "$9,060,825 $7,918,525 $5,737,675 $2,049,016"
Insert: "$10,903,219 $10,084,291 $6,229,992 $210,236"

10. Page 6, line 6.
Strike: "$6,665,150 $3,703 $157,792 $2,437"
Insert: "$7,068,520 $4,460 $185,474, $2,610"

11. Page 6, line 9.

Strike: "$16,983,548 $8,043,763 $5,897,289 $2,051,453"
Insert: "$19,211,553 $10,184,290 $6,417,529 $212,846"

12. Page 6, line 14.
Strike: "$808,775 $142,820"
Insert: "$1,018,198" [General Fund]

13. Page 6, line 17.
Strike: "$51,293"
Insert: "$56,387"

14. Page 6, line 20.
Strike: "$2,360,621 $137,768 $5,008"
Insert: "$2,116,203 $182,159 $5,169"

15. Page 6, line 23.
Strike: "$20,939,617 $19,036,495 $14,600,371 $5,265,622"
Insert: "$27,586,329 $25,352,243 $15,696,936 $530,497"

16. Page 6, line 26.
Strike: "$16,907,439 $10,373 $441,075 $6,715"
Insert: "$15,314,286 $10,134 $424,036 $6,075"

17. Page 6, line 29.
Strike: "$41,016,452 $19,378,749 $15,046,453 $5,272,336"
Insert: "$46,035,016 $25,600,923 $16,126,141 $536,572"

18. Page 7, line 10 through line 11.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

19. Page 7, line 18 through line 21.
Strike: section 5 in its entirety
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Lewis and Senator Wanzenried excused at this time.

HB 13 - Thereupon, the Senate reverted to the original motion of Senator Olson which passed as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 36

Nays: Arthun, Boulanger, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Vincent, Walker, Webb, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: Lewis.
Total 1

Senator Wanzenried present at this time.

Senator Brenden excused at this time.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy, Mr. President.
Total 39

Nays: Moore, Rosendale, Sales, Sonju, Vincent, Walker, Wanzenried, Webb, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: Brenden, Lewis.
Total 2

MOTIONS

Senator Jergeson moved to change his second-reading vote on **HB 6** from Excused to Yes. Without objection, so ordered.

Senator Wanzenried moved to change his second-reading vote on **HB 13** from Excused to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 12:00 p.m., Tuesday, April 16, 2013, the eightieth legislative day. Motion carried.

Senate adjourned at 5:42 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 16, 2013 — State Capitol

Senate convened at 12:03 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SJR 26**, **SJR 32**, **SR 63**, **HB 2**, **HB 6**, **HB 12**, **HB 13**, **HB 15**, **HB 16**, **HB 87**, **HB 354**, **HB 415**, **HB 447**, **HB 580**, **HB 604**, **HB 609**, **HB 614**, **HB 625**, **HB 630**.
Correctly engrossed: **HB 5**, **HB 19**, **HB 39**, **HB 218**, **HB 377**, **HB 454**, **HB 603**.
Correctly enrolled: **SB 28**, **SB 31**, **SB 178**, **SB 203**, **SJR 21**, **SR 32**, **SR 63**.
Examined by the sponsor and found to be correct: **SB 84**, **SB 94**, **SB 114**, **SB 138**, **SB 158**, **SB 160**, **SB 183**, **SB 191**, **SB 250**, **SB 275**, **SB 301**, **SB 302**, **SB 324**, **SB 325**, **SB 336**, **SB 337**, **SB 357**, **SJR 21**, **SR 34**, **SR 41**, **SR 44**, **SR 45**, **SR 50**, **SR 54**.
Transmitted to the House: **SJR 26**, **HB 2**, **HB 5**, **HB 6**, **HB 12**, **HB 13**, **HB 15**, **HB 16**, **HB 87**, **HB 354**, **HB 415**, **HB 447**, **HB 580**, **HB 586**, **HB 604**, **HB 609**, **HB 625**, **HB 630**.
Signed by the Speaker at 12:45 p.m., April 15, 2013: **SB 20**, **SB 107**, **SB 112**, **SB 127**, **SB 144**, **SB 179**, **SB 236**, **SB 242**, **SB 294**.
Signed by the Secretary of the Senate at 9:00 a.m., April 16, 2013: **SJR 21**.
Signed by the President at 9:20 a.m., April 16, 2013: **SJR 21**.
Signed by the Speaker at 9:50 a.m., April 16, 2013: **SJR 21**.
Delivered to the Secretary of State at 11:29 a.m., April 16, 2013: **SJR 21**.
Signed by the President at 8:56 a.m., April 16, 2013: **SB 154**, **SB 200**, **SB 344**, **SB 345**.
Signed by the Speaker at 11:20 a.m., April 16, 2013: **SB 154**, **SB 200**, **SB 344**, **SB 345**.
Delivered to the Governor at 2:11 p.m., April 16, 2013: **SB 20**, **SB 107**, **SB 112**, **SB 127**, **SB 144**, **SB 154**, **SB 179**, **SB 200**, **SB 236**, **SB 242**, **SB 294**, **SB 344**, **SB 345**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 4/11/2013
SR 43, be adopted. Report adopted.
SR 60, be adopted. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 4/15/2013
HB 39, be amended as follows:

1. Title, page 1, line 15.
Following: "~~20-9-517,~~"
Insert: "20-9-517,"

2. Page 12.
Following: line 3
Insert: "Section 5. Section 20-9-517, MCA, is amended to read:

"20-9-517. (Effective July 1, 2013) State school oil and natural gas impact account. (1) There is a state school oil and natural gas impact account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide money to schools that are not receiving oil and natural gas production taxes under 15-36-331 but are impacted by contiguous counties that are benefiting from receipt of oil and natural gas production taxes.

(2) There must be deposited in the account oil and natural gas production taxes, if any, pursuant to 20-9-310(7) and any amounts pursuant to 20-9-104(6).

(3) A school district may apply to the superintendent of public instruction for funds from the account for circumstances that are directly related to impacts resulting from the development or cessation of development of oil and natural gas as follows:

(a) an unusual enrollment increase as determined pursuant to 20-9-161 and 20-9-314;

(b) an unusual enrollment decrease;

(c) higher rates of student mobility;

~~(b)~~(d) a district's need to hire new teachers or staff as a result of increased enrollment;

~~(c)~~(e) the opening or reopening of an elementary or high school approved by the superintendent of public instruction pursuant to 20-6-502 or 20-6-503; or

~~(d)~~(f) major maintenance for a school or district.

(4) In reviewing an applicant's request for funding, the superintendent of public instruction shall consider the following:

(a) the local district's or school's need;

(b) the severity of the energy development impacts;

(c) availability of funds in the account; and

(d) the applicant district's ability to meet the needs identified in subsection (3).

(5) The superintendent of public instruction shall adopt rules necessary to implement the application and distribution process.

(6) The amount in the account may not exceed $7.5 million. Any amount over $7.5 million must be deposited in the state general fund.""
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/16/2013
HB 19, be amended as follows:

1. Page 14, line 21.
Strike: "2014"
Insert: "2015"

2. Page 14, line 27.
Strike: "2013"
Insert: "2014"

3. Page 14, line 28.
Strike: "2013"
Insert: "2014"

And, as amended, be concurred in. Report adopted.

HB 218, be amended as follows:

1. Title, page 1, line 4.
Following: "AUTHORIZING"
Strike: "``BOARD OF OIL AND GAS CONSERVATION"
Insert: "DEPARTMENT OF COMMERCE"

2. Title, page 1, line 6.
Following: "IMPACTS;"
Insert: "PROVIDING FOR ADMINISTRATION OF THE PROGRAM THROUGH THE DEPARTMENT OF COMMERCE;"
Following: "PRIORITIES"
Insert: "AND CRITERIA"

3. Title, page 1, line 7.
Strike: "REQUIRING OUTCOME MEASURES;"

4. Title, page 1, line 8.
Following: "PROVIDING"
Insert: "AN APPROPRIATION AND"

5. Title, page 1, line 10.
Following: "AN"
Insert: "IMMEDIATE"

6. Page 1, line 15.
Strike: "9"
Insert: "6"

7. Page 1, line 18.
Strike: "9"
Insert: "6"

8. Page 1, line 22.
Strike: "9"
Insert: "6"

9. Page 1, line 24.
Strike: subsection (1) in its entirety

Insert: "(1) "Department" means the department of commerce established in 2-15-1801."

10. Page 1, line 26.
Following: "government,"
Insert: "a public school district, or"

11. Page 1, line 26 through line 27.
Following: "district" on line 26
Strike: remainder of line 26 through "75-6-304" on line 27

12. Page 2, line 5.
Following: "enforcement,"
Insert: "schools,"

13. Page 2, line 6.
Strike: "OR"

14. Page 2, line 7.
Following: "(H)"
Insert: "projects related to"

15. Page 2, line 10.
Following: "(I)"
Insert: "the provision of"

16. Page 2, line 13 through line 18.
Strike: section 4 in its entirety
Renumber: subsequent sections

17. Page 2, line 21.
Following: "a"
Insert: "matching"

18. Page 2, line 20.
Following: "**grants.**"
Strike: "(1)"

19. Page 2, line 21 through line 24.
Following: "projects" on line 21
Strike: "." on line 21 through "development." on line 24
Insert: "for:
(1) major repairs to or deferred maintenance on an oil and gas impact project;
(2) major improvement, enhancements, or expansions to an oil and gas impact project;
(3) construction of a new oil and gas impact project; or
(4) preliminary planning or design of an oil and gas impact project."

20. Page 2, line 26.
Following: "(1)"
Strike: "In awarding grants, preference"
Insert: "Grants"

21. Page 2, line 27.
Strike: "given"
Insert: "awarded"

22. Page 2, line 29 through line 30.
Strike: subsection (2) in its entirety
Insert: "(2) No more than 10% of the funds used for grant purposes may be awarded for fire protection, law enforcement, and emergency services.

(3) In preparing recommendations for the award of grants under subsection (1), preference must be given to infrastructure projects based on the following order of priority:

(a) projects that solve urgent and serious public health or safety problems or that enable local governments to meet state or federal health or safety standards;

(b) projects that solve a local government's inability to provide adequate public services to an existing population; and

(c) projects that solve a local government's inability to provide adequate public services to estimated future populations.

(4) In awarding grants under this section, the department shall also consider the following attributes of an oil and gas impact project grant application:

(a) the local government's need for financial assistance, including whether the local government has committed to making a contribution to the project in an amount proportional to the amount of oil and gas production revenue received during the previous 48-month reporting period;

(b) whether the local government has completed all preliminary engineering and plan and specification review for the project and will be able to successfully manage the project in a timely manner and complete the project within the proposed budget and timeline;

(c) whether the local government will be able to satisfy any startup conditions or other requirements considered necessary by the department to accomplish the purpose of the project as described in the application;

(d) the extent of previous efforts by the local government to implement:

(i) long-term planning and management of the public facility or facilities;

(ii) long-term planning and management of the jurisdiction's anticipated future growth in population and the local government's ability to provide adequate public services to that population; and

(iii) proportional contributions from new development for the expansion, repair, maintenance, or operation of the public facility or facilities; and

(e) the importance of the project to the community, the extent of public notice about the project to the community, and the amount of community participation in and support for the project.

(5) In awarding planning grants under this section, the department shall distribute the grants on a first-come, first-served basis with preference given to those local governments that are already experiencing impacts associated with oil and gas development.

(6) The department:

(a) shall disburse grant funds on a reimbursement basis as grant recipients incur eligible project expenses;

(b) shall establish annual deadlines for the submission of applications for oil and gas impact project and planning grants; and

(c) may adopt rules necessary to implement this section.

(7) Grants made under this program are subject to review by the legislative finance committee."

23. Page 3, line 2 through line 9.
Strike: section 7 in its entirety
Renumber: subsequent sections

24. Page 3, line 18.
Following: "(3)"
Strike: "The money"
Insert: "Funds"
Following: "account"
Strike: "is allocated"
Insert: "are statutorily appropriated, as provided in 17-7-502,"
Following: "to the"
Strike: "board"
Insert: "department for each fiscal year beginning July 1, 2014,"

25. Page 3, line 19.
Strike: "9" in both places
Insert: "6" in both places

26. Page 3, line 20.
Following: "FOR"
Insert: "projects related to"

27. Page 3, line 22 through line 23.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

28. Page 3, line 24.
Following: "Any"
Strike: "remaining"
Following: "account"
Insert: "that remains unobligated"

29. Page 3, line 27 through page 4, line 8.
Strike: section 9 in its entirety
Renumber: subsequent sections

30. Page 4, line 17.
Following: "(1)"
Insert: "or $10 million, whichever is greater,"

31. Page 4, line 18.
Strike: "8"
Insert: "6"
Strike: "and is dedicated to local governments"

32. Page 4, line 20.
Following: "dedicated in"
Strike: "subsection (2)"
Insert: "subsections (2) and (3)"

33. Page 4, following line 22.
Insert: "NEW SECTION. **Section 8. Appropriation from oil and gas impact account for oil and gas impact projects in 2015 biennium.** There is appropriated to the department of commerce for the fiscal year beginning July 1, 2013, only, $15 million from the oil and gas impact account established in [section 6] for the purpose of providing local governments with grants as provided for in [sections 1 through 6]."
Renumber: subsequent sections

34. Page 5, line 12.
Strike: "8"
Insert: "6"

35. Page 6, line 19.
Strike: "9"
Insert: "6"

36. Page 6, line 20.
Strike: "82" in both places
Insert: "90" in both places
Strike: "9"
Insert: "6"

37. Page 6, line 22.
Following: "effective"
Strike: "July 1, 2013"
Insert: "on passage and approval"
And, as amended, be concurred in. Report adopted.

HB 377, be amended as follows:

1. Title, line 18 through line 19.

Strike: "STATUTORILY" on line 18 through "SYSTEM;" on line 19
Insert: "PROVIDING APPROPRIATIONS;"

2. Title, line 21.
Strike: "19-20-621,"
Insert: "19-20-607,"

3. Title, line 22.
Strike: "20-9-622,"

4. Page 13, line 2.
Strike: "AND (1)(C)"
Insert: "through (1)(d)"

5. Page 13, line 3.
Strike: "1%"
Insert: "the percentage specified in subsection (1)(b)"

6. Page 13.
Following: line 4
Insert: "(b) The percentage of compensation to be contributed under subsection (1)(a) is 1% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024. For fiscal years beginning after June 30, 2024, the percentage of compensation to be contributed under subsection (1)(a) is 2%."
Renumber: subsequent subsections

7. Page 13, line 13.
Strike: "(1)(B)"
Insert: "(1)(c)"

8. Page 13, line 22 through page 14, line 9.
Strike: section 9 in its entirety
Insert: **"Section 9.** Section 19-20-607, MCA, is amended to read:

"19-20-607. Supplemental state contribution -- appropriation. (1) (a) Each month, the state shall contribute, as a supplemental contribution to the teachers' retirement system, from the general fund to the pension trust fund an amount equal to~~:~~

~~(a) beginning July 1, 2007, through June 30, 2009, 2% of the total earned compensation of school district and community college active members participating in the system; and~~

~~(b) beginning July 1, 2009,~~ 2.38% of the total earned compensation of school district and community college active members participating in the system.

(b) (i) Except as provided in subsection (1)(b)(ii), beginning [the effective date of this act] and on each July 1 thereafter, the state shall contribute from the general fund to the pension trust fund $25 million as a supplemental contribution to the teachers' retirement system.

(ii) If the legislative finance committee determines that the board has failed to provide a sufficient report pursuant to [section 20], it shall recommend that $5 million be subtracted from the

amount allocated in subsection (1)(b)(i) subject to legislative approval.

(2) The contributions are statutorily appropriated, as provided in 17-7-502, to the pension trust fund. The board shall determine and shall certify to the state treasurer amounts due under this section on a monthly basis. The state treasurer shall transfer the certified amounts to the pension trust fund within 1 week following receipt of the certification from the board.""

9. Page 16, line 8 through line 14.
Strike: "be" on line 8 through "increased." on line 14.
Insert: ", if the most recent actuarial valuation of the
retirement system shows that retirement system liabilities are at least 90% funded and the provision of the increase is not projected to cause the system's liabilities to be less than 85% funded, be increased by an amount equal to or greater than 0.5% but no more than 1.5%, as set by the retirement board."

10. Page 19, line 2.
Strike: "2%"
Insert: "1.85%"

11. Page 25, line 20 through page 26, line 6.
Strike: section 20 in its entirety
Insert: "NEW SECTION. **Section 20. Board to make special report.** As soon as possible after the completion of each annual actuarial valuation for the teachers' retirement system, the board shall have its actuary present a detailed actuarial report to the legislative finance committee, provided for in 5-12-201, and the state administration and veterans' affairs interim committee, provided for in 5-5-228. The actuarial report must provide a trend analysis of the system's actual and projected progress toward 100% funding."
Renumber: subsequent sections

12. Page 27, line 16.
Strike: "September"
Insert: "October"

13. Page 27.
Following: line 22
Insert: "NEW SECTION. **Section 23. Appropriations.** (1) For the fiscal year beginning July 1, 2013, there is appropriated from the general fund for the purpose of making the supplemental employer contributions in [section 8]:

(a) to the office of budget and program planning, the following amounts from the indicated fund:

(i) $41,813 from the general fund;
(ii) $597 from the state special revenue fund; and
(iii) $17,323 from the federal special revenue fund;
(b) to the Montana university system, $191,725 from the general fund; and
(c) to the office of public instruction for school BASE aid, $2,061,932 from the general fund.
(2) For the fiscal year beginning July 1, 2014, there is appropriated from the general fund

for the purpose of making the supplemental employer contributions in [section 8]:

(a) to the office of budget and program planning, the following amounts from the indicated fund:

(i) $45,995 from the general fund;

(ii) $657 from the state special revenue fund; and

(iii) $19,055 from the federal special revenue fund;

(b) to the Montana university system, $210,898 from the general fund; and

(c) to the office of public instruction for school BASE aid, $2,370,191 from the general fund."

Renumber: subsequent sections

14. Page 27, line 24.
Following: "instruction."
Insert: "(1)"

15. Page 27.
Following: line 26
Insert: "(2) [Section 20] is intended to be codified as an integral part of Title 19, chapter 20, part 2, and the provisions of Title 19, chapter 20, part 2, apply to [section 20]."

And, as amended, be concurred in. Report adopted.

HB 454, be amended as follows:

1. Title, page 1, line 13.
Following: "~~FUND;~~"
Insert: "PROVIDING THAT THE UNALLOCATED PORTION OF COAL SEVERANCE TAX COLLECTIONS IS STATUTORILY APPROPRIATED TO THE PUBLIC EMPLOYEES' DEFINED BENEFIT RETIREMENT PLAN; REVISING THE ALLOCATION OF INTEREST INCOME FROM THE COAL TAX PERMANENT FUND AND PROVIDING A STATUTORY APPROPRIATION OF A PORTION OF THE INTEREST INCOME TO THE PUBLIC EMPLOYEES' DEFINED BENEFIT RETIREMENT PLAN; AMENDING THE TERMINATION DATE FOR THE TRANSFER OF CERTAIN MONEY FROM THE COAL SEVERANCE TAX BOND FUND TO THE TREASURE STATE ENDOWMENT FUND AND THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM FUND;"

2. Title, page 1, line 16.
Following: "~~BIENNIUM;~~"
Insert: "PROVIDING AN APPROPRIATION;"

3. Title, page 1, line 17.
Strike: "17-7-502,"
Insert: "15-35-108, 17-5-703,"

4. Title, page 1, line 19.

Strike: "REPEALING" through "MCA;"
Insert: "AMENDING SECTION 6, CHAPTER 495, LAWS OF 1999, AND SECTIONS 15 AND 16, CHAPTER 389, LAWS OF 2011;"

5. Page 9, line 22 through page 10, line 30.
Strike: section 1 in its entirety
Insert: "Section 1. Section 15-35-108, MCA, is amended to read:

"~~15-35-108. (Temporary) Disposal of severance taxes.~~ ~~Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:~~

~~(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.~~

~~(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.~~

~~(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.~~

~~(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.~~

~~(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.~~

~~(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.~~

~~(7) The amount of 5.8% through September 30, 2013, and beginning October 1, 2013, the amount of 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).~~

~~(8) After the allocations are made under subsections (2) through (7), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.~~

~~(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.~~

~~(b) The interest income from $140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:~~

~~(i) $65,000 to the cooperative development center;~~

~~(ii) $625,000 for the growth through agriculture program provided for in Title 90, chapter 9;~~

~~(iii) $1.275 million to the research and commercialization state special revenue account created in 90-3-1002, of which $375,000 per year is appropriated for fiscal years 2012 and 2013~~

~~to the department of commerce for the small business state matching grant program authorized in 90-1-117 to provide matching grants for small business innovation research and small business technology transfer, $125,000 per year is appropriated for fiscal years 2012 and 2013 to the high-performance supercomputing program in the department of commerce, and $300,000 per year is appropriated for fiscal years 2012 and 2013 to the board of regents for the development of energy and natural resources doctoral programs at Montana tech of the university of Montana;~~

~~(iv) to the department of commerce:~~

~~(A) $125,000 for a small business development center;~~

~~(B) $50,000 for a small business innovative research program;~~

~~(C) $425,000 for certified regional development corporations;~~

~~(D) $200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and~~

~~(E) $300,000 for export trade enhancement. (Terminates June 30, 2013--sec. 5, Ch. 459, L. 2009.)~~

15-35-108. (~~Effective July 1, 2013~~ Temporary) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. ~~Beginning July 1, 2012, any~~ Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of 5.8% through September 30, 2013, and beginning October 1, 2013, the amount of 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state and is statutorily

appropriated, as provided in 17-7-502, on July 1 each year to the trust fund for the public employees' retirement system defined benefit plan established pursuant to 19-3-103.

(b) The interest income from $140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on ~~an annual basis~~ July 1 each year as follows:

(i) $65,000 to the cooperative development center;

(ii) ~~$1.25 million~~ $625,000 for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) ~~$3.65~~ $1.275 million to the research and commercialization state special revenue account created in 90-3-1002;

(iv) to the department of commerce:

(A) $125,000 for a small business development center;

(B) $50,000 for a small business innovative research program;

(C) $425,000 for certified regional development corporations;

(D) $200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) $300,000 for export trade enhancement; and

(v) except as provided in subsection (9)(c), up to $21 million to the public employees' retirement system defined benefit plan trust fund.

(c) If the legislative finance committee determines that the public employees' retirement board has failed to provide a sufficient report pursuant to [section 7], it shall recommend that $5 million be subtracted from the amount allocated in subsection (9)(b)(v) subject to legislative approval. (Terminates June 30, 2019--secs. 2, 3, Ch. 459, L. 2009.)

15-35-108. (Effective July 1, 2019) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. ~~Beginning July 1, 2012, any~~ Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund

account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), $250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) ~~All~~ Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state and is statutorily appropriated, as provided in 17-7-502, on July 1 each year to the trust fund for the public employees' retirement system defined benefit plan pursuant to 19-3-103.

(b) Except as provided in subsection (9)(c), up to $24 million of the interest income from the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on July 1 each year to the public employees' retirement system defined benefit plan trust fund.

(c) If the legislative finance committee determines that the public employees' retirement board has failed to provide a sufficient report pursuant to [section 7], it shall recommend that $5 million be subtracted from the amount allocated in subsection (9)(b) subject to legislative approval.""

Insert: "Section 2. Section 17-5-703, MCA, is amended to read:

"17-5-703. (Temporary) Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a treasure state endowment regional water system fund;

(d) a coal severance tax permanent fund;

(e) a coal severance tax income fund; and

(f) a big sky economic development fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) and (4).

(3) (a) Until June 30, ~~2020~~ 2016, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) Until June 30, ~~2020~~ 2016, the state treasurer shall quarterly transfer to the treasure state endowment regional water system fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(c) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(d) The state treasurer shall monthly transfer from the treasure state endowment regional water system fund to the treasure state endowment regional water system special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the treasure state endowment regional water system special revenue account must be retained in the treasure state endowment regional water system fund.

(4) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, ~~2020~~ 2016--secs. 15, 16, Ch. 389, L. 2011.)

17-5-703. (Effective July 1, ~~2020~~ 2016) Coal severance tax trust funds. (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund; and

(e) a big sky economic development fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) and (4).

(3) (a) Until June 30, ~~2020~~ 2016, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(4) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of

earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund.""

Renumber: subsequent sections

6. Page 12, line 3 through page 14, line 18.

Strike: section 3 in its entirety

Insert: "Section 4. Section 19-3-316, MCA, is amended to read:

"19-3-316. Employer contribution rates. (1) Each employer shall contribute to the system. Except as provided in subsection (2), the employer shall pay as employer contributions 6.9% of the compensation paid to all of the employer's employees plus any additional contribution under subsection (3), except for those employees properly excluded from membership. Of employer contributions made under this subsection for both defined benefit plan and defined contribution plan members, a portion must be allocated for educational programs as provided in 19-3-112. Employer contributions for members under the defined contribution plan must be allocated as provided in 19-3-2117.

(2) Local government and school district employer contributions must be the total employer contribution rate provided in subsection (1) minus the state contribution rates under 19-3-319.

(3) (a) Subject to subsection (4), each employer shall contribute to the system an additional employer contribution equal to ~~0.27%~~ the percentage specified in subsection (3)(b) of the compensation paid to all of the employer's employees, except for those employees properly excluded from membership.

(b) The percentage of compensation to be contributed under subsection (3)(a) is 1.27% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024. For fiscal years beginning after June 30, 2024, the percentage of compensation to be contributed under subsection (3)(a) is 2.27%.

(4) (a) The board shall ~~periodically~~ annually review the additional employer contribution provided for under subsection (3) and recommend adjustments to the legislature as needed to maintain the amortization schedule set by the board for payment of the system's unfunded liabilities.

(b) The employer contribution required under subsection (3) terminates on ~~July 1~~ January 1 following the board's receipt of the system's actuarial valuation if~~:~~

~~(i)~~ the actuarial valuation determines that ~~the period required to amortize the system's unfunded liabilities, including adjustments made for any benefit enhancements enacted by the legislature after the valuation, is less than 25 years; and~~

~~(ii)~~ terminating the additional employer contribution pursuant to this subsection (4)(b) and reducing the employee contribution pursuant to 19-3-315(2) would not cause the amortization period ~~as of the most recent actuarial valuation~~ to exceed 25 years.""

Renumber: subsequent sections

7. Page 15, line 5.

Strike: "(5)"
Insert: "(4)(b)"

8. Page 15, line 22 through page 16, line 12.
Strike: "(4)" on page 15, line 22 through "increased." on page 16, line 12
Insert: "(4) (a) Subject to subsection (5), the applicable percentage rate is 1.5% for benefit recipients hired or assuming office:

(i) before July 1, 2007;

(ii) on or after July 1, 2007, and prior to [the effective date of this act] if the benefit recipient is an existing member of a benefit plan for which the applicable percentage before [the effective date of this act] was either 3% or 1.5%; or

(iii) on or after [the effective date of this act].

(b) The applicable percentage rate for a contingent annuitant described in subsection (2)(c) is the same as the applicable percentage rate applicable to the original payee under subsection (4)(a).

(5) (a) Except as provided in subsection (5)(b), if the most recent actuarial valuation of the retirement system shows that retirement system liabilities are less than 90% funded, the applicable percentage rate in subsection (4) must be reduced by 0.1% for each 2% below that 90% funding level.

(b) If the amortization period is 40 years or greater, the applicable percentage rate is 0% and the retirement allowance may not be increased."

9. Page 16, line 15 through page 17, line 10.
Strike: section 5 in its entirety
Renumber: subsequent sections

10. Page 18, line 11 through line 13.
Strike: section 6 in its entirety
Insert: "Section 6. Section 19-3-2117, MCA, is amended to read:

"19-3-2117. Allocation of contributions and forfeitures. (1) The member contributions made under 19-3-315 and additional contributions paid by the member for the purchase of service must be allocated to the plan member's retirement account.

(2) Subject to subsection (3) and adjustment by the board as provided in 19-3-2121, of the employer contributions under 19-3-316 received:

(a) an amount equal to:

(i) 4.19% of compensation must be allocated to the member's retirement account;

(ii) 2.37% of compensation must be allocated to the defined benefit plan as the plan choice rate;

(iii) 0.04% of compensation must be allocated to the education fund as provided in 19-3-112(1)(b); and

(iv) 0.3% of compensation must be allocated to the long-term disability plan trust fund established pursuant to 19-3-2141; ~~and~~

(b) on July 1, 2009, continuing until the additional employer contributions terminate pursuant to ~~19-3-316~~ 19-3-316(4)(b), ~~0.27%~~ the percentage specified in subsection (3) of compensation must be allocated in the following order:

(i) to the defined benefit plan to eliminate the plan choice rate unfunded actuarial liability; and

(ii) to the long-term disability plan trust fund to provide disability benefits to eligible members; and

(c) on July 1, 2013, continuing until the additional employer contributions terminate pursuant to 19-3-316(4)(b), 1% of compensation must be allocated to the defined benefit plan unfunded liabilities.

(3) The percentage of compensation to be contributed under subsection (2)(b) is 0.27% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024. For fiscal years beginning after June 30, 2024, the percentage of compensation to be contributed under subsection (2)(b) is 1.27%.

~~(3)~~(4) Forfeitures of employer contributions and investment income on the employer contributions may not be used to increase a member's retirement account. The board shall allocate the forfeitures under 19-3-2116 to meet the plan's administrative expenses, including startup expenses.""

Insert: "NEW SECTION. **Section 7. Board report required.** As soon as possible after the completion of each annual actuarial valuation for the public employees' retirement system, the board shall have its actuary present a detailed actuarial report to the legislative finance committee, provided for in 5-12-201, and the state administration and veterans' affairs interim committee, provided for in 5-5-228. The actuarial report must provide a trend analysis of the system's progress toward 100% funding."

Insert: **"Section 8.** Section 6, Chapter 495, Laws of 1999, is amended to read:

"**Section 6. Termination.** [This act] terminates June 30, ~~2013~~ 2016.""

Insert: **"Section 9.** Section 15, Chapter 389, Laws of 2011, is amended to read:

"**Section 15.** Section 6, Chapter 495, Laws of 1999, is amended to read:

"Section 6. Termination. [This act] terminates June 30, ~~2013~~ ~~2020~~ 2016."""

Insert: **"Section 10.** Section 16, Chapter 389, Laws of 2011, is amended to read:

"**Section 16.** Section 1, Chapter 70, Laws of 2001, is amended to read:

"Section 1. Section 6, Chapter 495, Laws of 1999, is amended to read:

"Section 6. Termination. ~~[This act]~~ [This act] ~~terminates~~ terminates June 30, ~~2013~~ ~~2016~~ ~~2020~~ 2016."""

Insert: "NEW SECTION. **Section 11. Appropriations.** (1) For the fiscal year beginning July 1, 2013, there is appropriated for the purpose of making the additional employer contributions in 19-3-316:

(a) to the office of budget and program planning, the following amounts from the indicated fund:

(i) $1,870,019 from the general fund;

(ii) $1,688,905 from the state special revenue fund;

(iii) $1,149,658 from the federal special revenue fund; and

(iv) $669,831 from other funds;

(b) to the Montana university system from the general fund, $548,527; and

(c) to the office of public instruction for school BASE aid, $377,500 from the general fund.

(2) For the fiscal year beginning July 1, 2014, there is appropriated for the purpose of making the additional employer contributions in 19-3-316:

(a) to the office of budget and program planning, the following amounts from the indicated

fund:

(i) $2,057,021 from the general fund;
(ii) $1,857,796 from the state special revenue fund;
(iii) $1,264,624 from the federal special revenue fund; and
(iv) $736,814 from other funds;
(b) to the Montana university system from the general fund, $603,380; and
(c) to the office of public instruction for school BASE aid, $431,750 from the general fund."

Insert: "NEW SECTION. **Section 12. Codification instruction.** [Section 7] is intended to be codified as an integral part of Title 19, chapter 3, part 1, and the provisions of Title 19, chapter 3, part 1, apply to [section 7]."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 556, be concurred in. Report adopted.
HB 626, be concurred in. Report adopted.

JUDICIARY (Murphy, Chair): 4/16/2013
SR 67, **preliminary report**, be adopted. Report adopted.
HB 521, be concurred in. Report adopted.
HB 555, be concurred in. Report adopted.
HB 603, be amended as follows:

1. Page 1, line 19.
Following: "civil"
Insert: ", criminal,"

2. Page 1, line 29.
Following: "means"
Strike: "a state or local"
Insert: "any public"

3. Page 2, line 1.
Following: "a"
Strike: "state or local"
Insert: "public"

And, as amended, be concurred in. Report adopted.

HB 631, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/15/2013
HB 423, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 15,2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Monday, April 15, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 11 Caferro
Senate Bill 18 Hamlett
Senate Bill 120 Buttrey
Senate Bill 122 Facey
Senate Bill 136 Larsen
Senate Bill 239 Buttrey

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills passed and transmitted to the Senate for concurrence: 4/15/2013

SB 28, introduced by Thomas
SB 178, introduced by Van Dyk

Senate joint resolution passed and transmitted to the Senate for concurrence: 4/15/2013

SJR 21, introduced by Caferro

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/15/2013

SB 342, introduced by Windy Boy

Senate bill not concurred in and returned to the Senate: 4/13/2013

SB 387, introduced by Debby Barrett

HB 97 - The House failed to concur in Senate amendments to **HB 97,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 97:**

4/16/2013

Representative Wilmer, Vice Chair
Representative Blyton
Representative Lenz

HB 133 - The House failed to concur in Senate amendments to **HB 133,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 133:**

4/16/2013

Representative Berry, Vice Chair
Representative Boland
Representative Lang

HB 240 - The House failed to concur in Senate amendments to **HB 240,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 240:**

4/16/2013

Representative C. Smith, Vice Chair
Representative Kerns
Representative MacDonald

HB 345 - The House failed to concur in Senate amendments to **HB 345,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 345:**

4/16/2013

Representative C. Smith, Vice Chair
Representative Fitzpatrick
Representative Steenberg

SPECIAL ORDERS OF THE DAY

Senator Taylor introduced the pages for the coming week:

Nicole Nelson, Broadview, sponsored by Senator Olson
Drake Phillips, Bozeman, sponsored by Senator Phillips
Samuel Phillips, Bozeman, sponsored by Senator Phillips
Dovydas Rackauskas, Bozeman, sponsored by Senator Phillips
Lane Thole, Bigfork, sponsored by Senator Jackson
Dallas Whitfield, Florence, sponsored by Senator Thomas

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 34, introduced by Windy Boy, referred to Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 630 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 12 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.
Total 41

Nays: Fielder, Jones, Moore, Priest, Ripley, Sales, Vincent, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 15 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 37

Nays: Barrett Debby, Boulanger, D. Brown, Jackson, Priest, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 354 concurred in as follows:

Yeas: Arntzen, Augare, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 29

Nays: Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Driscoll, Jent, Jergeson, Kaufmann, Malek, Peterson, Phillips, Priest, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 586 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Ripley, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 625 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 40

Nays: Barrett Debby, D. Brown, Fielder, Priest, Sales, Vincent, Walker, Webb, Wittich, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 609 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 32

Nays: Arthun, Barrett Debby, Boulanger, Buttrey, Caferro, Fielder, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 26 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Murphy, Olson, Peterson, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 35

Nays: Barrett Dick, Blewett, Caferro, Fielder, Jackson, Kaufmann, Malek, Moore, Phillips, Ripley, Sales, Tropila, Vincent, Walker, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 16 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 32

Nays: Arthun, Barrett Debby, Boulanger, Brenden, Jackson, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 87 concurred in as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 63 adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 31, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 415 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 31

Nays: Augare, Barrett Debby, Blewett, Boulanger, D. Brown, Caferro, Kaufmann, Larsen, Malek, Phillips, Rosendale, Sales, Sesso, Sonju, Taylor, Van Dyk, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 604 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 447 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 44

Nays: Rosendale, Sales, Tutvedt, Vincent, Webb, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 5 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vuckovich, Windy Boy, Mr. President.
Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jent, Moore, Priest, Ripley, Sales, Sonju, Taylor, Van Dyk, Vincent, Walker, Wanzenried, Webb, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 6 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.
Total 43

Nays: D. Brown, Fielder, Sales, Sonju, Vincent, Walker, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 13 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 37

Nays: Boulanger, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 580 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Van Dyk moved to change his third-reading vote on **HB 604** from Yes to No. Without objection, so ordered.

Senator Jackson moved to change his third-reading vote on **HB 87** from Yes to No. Without objection, so ordered.

Senator Sesso announced Senate Democrats would caucus. Senator Wittich announced Senate Republicans would caucus.

Senate recessed at 12:25 p.m. Senate reconvened at 12:49 p.m.

MOTIONS

Senator Debby Barrett moved to reconsider the indefinite postponement of **HB 298.** Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Debby Barrett moved that **HB 298** be brought before the Committee of the Whole on Wednesday, April 17, the 81st legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 72, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 73, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.
SR 74, introduced by Ripley (by request of the Senate Finance and Claims Standing Committee), referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 509 - Senator Walker moved consideration of **HB 509** be passed for the day. Without objection, so ordered.

Senator Wanzenried excused at this time.

SB 196 - **House Amendments** - Senator Rosendale moved House amendments to **SB 196** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

Senator Wanzenried present at this time.

SB 217 - **House Amendments** - Senator Hamlett moved House amendments to **SB 217** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - **House Amendments** - Senator Thomas moved House amendments to **SB 348** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr.

President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 129 - Senator Larsen moved **HB 129** be concurred in.

HB 129 - Senator Debby Barrett moved **HB 129**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "REQUIRING" through "BROADLY;"

2. Page 1, line 27 through line 28.
Strike: ". The term" on line 27 through "broadly." on line 28
Insert: "; and"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 129 - Senator Larsen moved **HB 129**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 404 - Senator Peterson moved **HB 404** be concurred in. Motion **failed** as follows:

Yeas: Arthun, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Tutvedt, Webb, Windy Boy, Wittich, Mr. President.
Total 23

Nays: Arntzen, Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 404 - Senator Wittich moved **HB 404** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Priest, Ripley, Sales, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 35

Nays: Arntzen, Barrett Debby, Brenden, D. Brown, T. Brown, Jackson, Lewis, Moore, Murphy,

Peterson, Rosendale, Sesso, Sonju, Walker, Webb.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 535 - Senator Keane moved **HB 535** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 559 - Senator Rosendale moved **HB 559** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Peterson, Phillips, Priest, Rosendale, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Webb, Mr. President.
Total 27

Nays: Augare, Barrett Debby, Blewett, Brenden, D. Brown, Hamlett, Jackson, Keane, Malek, Moore, Murphy, Olson, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Vincent, Walker, Wanzenried, Windy Boy, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 588 - Senator Van Dyk moved **HB 588** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 591 - Senator F. Moore moved **HB 591** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Van Dyk, Vuckovich, Webb, Windy Boy.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Jackson, Lewis, Priest, Rosendale, Sales, Sonju, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 593 - Senator Peterson moved **HB 593** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Augare, Barrett Dick, Blewett, Facey, Kaufmann, Tropila.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 607 - Senator Keane moved **HB 607** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Augare, Barrett Dick, D. Brown, Facey, Kaufmann, Malek, Wanzenried.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 619 - Senator Fielder moved **HB 619** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 19

Absent o`r not voting: None.
Total 0

Excused: None.
Total 0

HB 623 - Senator Thomas moved consideration of **HB 623** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 614 - Senator Debby Barrett moved **HB 614** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: D. Brown, Fielder, Sales, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 414 - Senator Tutvedt moved **HB 414** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Augare, Blewett, D. Brown, Keane, Sales, Sesso, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 76 - Senator Brenden moved **HB 76** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Boulanger, Priest, Sales, Sonju, Thomas, Walker, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 408 - Senator Thomas moved **HB 408** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Barrett Dick, Blewett, Facey, Jergeson, Kaufmann, Malek, Phillips, Sesso, Van Dyk, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 45 - **Governor's Amendments** - Senator Keane moved Governor's amendments to **SB 45** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown, Kaufmann.
Total 2

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 162 - **House Amendments** - Senator Keane moved House amendments to **SB 162** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sonju assumed the chair.

HB 623 - Senator Thomas moved **HB 623** be concurred in.

HB 623 - Senator Wanzenried moved **HB 623**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 21.
Strike: "PROVIDING GRANTS" on line 8 through "53-2-217, MCA;" on line 21
Insert: "ALLOWING USE OF MEDICAID FUNDS TO PURCHASE INSURANCE FOR CERTAIN NONDISABLED, NONELDERLY, AND NONPREGNANT INDIVIDUALS; ESTABLISHING ELIGIBILITY CRITERIA FOR INDIVIDUALS PURCHASING HEALTH INSURANCE WITH MEDICAID FUNDS; REQUIRING A REVIEW OF THE MONTANA MEDICAID PROGRAM AND THE HEALTH CARE DELIVERY SYSTEM; ESTABLISHING A MEDICAID WELLNESS PILOT PROJECT; ESTABLISHING WORKFORCE REPORTING REQUIREMENTS FOR CERTAIN HEALTH CARE PROFESSIONALS; PROVIDING FOR USE OF UNEXPENDED MEDICAID FUNDS; CREATING A FEE ON MEDICAID PROVIDERS AND INSURERS; CREATING A SPECIAL REVENUE ACCOUNT; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 33-2-708, 33-31-111, 37-8-202, 37-8-204, 53-6-132, AND 53-6-133, MCA;"

Following: "DATES~~,~~"
Insert: ", "
Strike: "APPLICABILITY DATES,"

2. Title, page 1, line 22.
Strike: "A"
Strike: "DATE"
Insert: "DATES"

3. Page 1, line 24 through page 2, line 21.
Strike: line 24 on page 1 through line 21 on page 2

4. Page 2.
Following: line 23
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Montana Health Care Reform and Cost Containment Act"."
Insert: "NEW SECTION. **Section 2. Legislative findings and intent.** (1) The intent of [sections 1 through 5] is to modify and enhance Montana's health care delivery system to provide access to quality and affordable health care for all Montana citizens.

(2) The legislature finds that to achieve the purposes of [sections 1 through 5], it will be necessary for state government, health care providers, patient advocates, and other parties interested in quality and affordable health care to collaborate in order to:

(a) increase the number of Montanans with health insurance coverage;

(b) provide greater value for the tax dollars spent on the medicaid program by exploring options for delivering services in a more efficient and cost-effective manner, including but not limited to:

(i) offering incentives to encourage health care providers to achieve measurable performance outcomes;

(ii) improving the coordination of care among health care providers and health care payers;

(iii) reducing preventable hospital readmissions; and

(iv) exploring medicaid payment methodologies that promote quality of care and efficiencies;

(c) contain growth in health care costs by:

(i) curbing wasteful spending;

(ii) avoiding unnecessary use of health care services;

(iii) reducing the instances in which health care practitioners provide health care services in order to avoid the risk of litigation; and

(iv) reducing fraud;

(d) ensure an adequate number of health care professionals throughout the state;

(e) provide incentives that result in Montanans taking greater responsibility for their personal health;

(f) boost Montana's economy by reducing the costs of uncompensated care; and

(g) reduce or minimize the shifting of payment for unreimbursed health care costs to

patients with private insurance.

(3) The legislature further finds that state policymakers have an interest in testing the effectiveness of wellness incentives in order to collect and analyze information about the correlation between wellness incentives and health status. It is the intent of the legislature to establish a pilot project in the medicaid program to evaluate whether incentives to improve a recipient's management of chronic disease improves overall health outcomes and reduces the long-term costs of health care for the recipient."

Insert: "NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 5], the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Recipient" means a person:

(a) who has been determined by a medicaid agency to be eligible for medicaid benefits, whether or not the person has received any benefits; or

(b) who receives medicaid benefits, whether or not the person is determined to be eligible."

Insert: "NEW SECTION. **Section 4. Review of medicaid and health care delivery systems -- advisory committee -- reports.** (1) The department shall review state activities related to the medicaid program and delivery of health care services in Montana in order to make recommendations to the legislature on ways to make the medicaid program and the health care delivery system more efficient and cost-effective.

(2) The department shall establish an advisory committee made up of health care providers, health care consumers, and other parties interested in the way in which health care services are provided to Montanans. The committee may consist of up to 12 members.

(3) The advisory committee shall:

(a) evaluate the manner in which health care services are delivered and whether new approaches could improve delivery of care, including but not limited to the use of medical homes and coordinated care organizations;

(b) review ideas for reducing or minimizing the shifting of the payment of unreimbursed health care costs to patients with private insurance;

(c) evaluate whether providing incentives to health care providers for meeting measurable benchmarks may improve the delivery of health care services;

(d) review options for reducing inappropriate use of emergency department services, including ways to monitor for the excessive or inappropriate use of prescription drugs; and

(e) examine ways to:

(i) promote the appropriate use of health care services, particularly laboratory and diagnostic imaging services;

(ii) increase the availability of mental health services;

(iii) reduce fraud and waste in the medicaid program; and

(iv) improve the sharing of data among health care providers in order to identify patterns in the usage of health care services across payment sources.

(4) The department shall:

(a) provide regular reports to the advisory council on the department's efforts to obtain and implement a waiver pursuant to [sections 9 through 15];

(b) coordinate its efforts with any legislative committees that are working on matters

related to health care and the delivery of health care services; and

(c) summarize and present the findings and recommendations of the advisory committee in a final report to the governor and to the children, families, health, and human services interim committee no later than August 15 of each even-numbered year."

Insert: "NEW SECTION. **Section 5. Medicaid wellness pilot project.** (1) Subject to any necessary approval from the centers for medicare and medicaid services, the department shall administer a pilot project designed to assess whether providing incentives for a recipient's participation in disease management and wellness activities improves the recipient's management of chronic disease.

(2) The department shall offer an incentive to adult recipients for meeting established targets for managing chronic disease. Subject to subsection (4), the department shall establish by rule the individuals to be covered by the pilot project, the chronic diseases to be included in the pilot project, the criteria that must be met to receive the incentive, and the duration and amount of the incentive to be offered.

(3) The department may undertake the pilot project in up to five counties, at least one of which must have a significant Indian population. The pilot project must begin with 60 days of receipt of federal approval, if required.

(4) The department may not require participation by recipients who reside in a long-term care facility as defined in 50-5-101 or a community residential facility as defined in 76-2-411.

(5) The department shall collect and analyze information related to the pilot project to determine if the project resulted in better health outcomes for participants. The analysis may include but is not limited to the incentives provided, the health conditions of the participants, the number of participants who met established goals, and to the extent possible, whether participants who met the goals used fewer medicaid services than:

(a) participants who did not meet the goals; and

(b) recipients with similar medical conditions in counties that were not included in the pilot project."

Insert: "NEW SECTION. **Section 6. Short title.** [Sections 6 through 8] may be cited as the "Montana Health Care Workforce Data Collection Act"."

Insert: "NEW SECTION. **Section 7. Collecting and reporting of data -- requirement for licensure -- confidentiality.** (1) The board shall collect information related to the physician and physician assistant workforce in Montana in order to evaluate whether Montanans have access to health care services based on the location where licensees are practicing, the medical specialties of the licensees, and the amount of time that licensees devote to patient care.

(2) At the time an individual applies to obtain or renew a license under Title 37, chapter 20, or this chapter, the board shall collect through electronic means information that includes at a minimum:

(a) the applicant's gender and date of birth;

(b) the applicant's employment and practice status, including but not limited to:

(i) active practices in Montana and other locations;

(ii) the area of practice, including areas of specialty;

(iii) the office, hospital, or clinical setting in which the applicant practices;

(c) the applicant's education, training, and specialty and subspecialty board certification;

(d) the locations where the applicant practices and the average number of hours the

applicant works each week providing patient care at each location;

(e) the average number of weeks the applicant worked during the past full year in the licensed profession;

(f) the percentage of time the applicant spends engaged in direct patient care and in other activities, including but not limited to teaching, research, and administration in the licensed profession; and

(g) other data as proposed to and approved by the board.

(3) The board may not approve an application for a license or a renewal of a license for an applicant who fails to provide information as required under this section.

(4) The board shall report the information collected under this section to:

(a) the department of public health and human services provided for in 2-15-2201; and

(b) Montana professional associations representing physicians and physician assistants.

(5) (a) Except as provided in subsection (5)(b), the board may not release personally identifiable data collected under this section for any person licensed by the board.

(b) The provisions of subsection (5)(a) do not apply to the release of information to a state agency or a Montana medical professional association for state program, workforce, or health planning purposes."

Insert: "NEW SECTION. **Section 8. Heatlh care workforce database -- sharing and use of data.** (1) Subject to available funding, the department of public health and human services may create and maintain a database of health care workforce information collected by the board. The board shall provide the department of public health and human services with information collected pursuant to [sections 6 through 8] for the database.

(2) The department of public health and human services may contract or enter into other agreements with a private or public entity to:

(a) establish and maintain the database;

(b) analyze data contained in the database;

(c) develop reports to be used by the legislature, the governor, and the public related to health care workforce needs; and

(d) perform other activities to carry out the purposes of [sections 6 through 8].

(3) The department of public health and human services may seek federal and private funds to create and maintain the database."

Insert: "NEW SECTION. **Section 9. Health coverage options for low-income individuals -- legislative findings and intent**. (1) The legislature finds that providing expanded health care coverage to low-income Montanans through an integrated market-based medicaid benefits program has the potential to:

(a) provide new coverage opportunities for additional Montanans;

(b) stimulate market competition; and

(c) offer alternatives to existing medicaid coverage.

(2) The legislature further finds that a market-based medicaid benefits program may offer fiscally sustainable and cost-effective health care, as well as allow for greater personal responsibility in the use of health care services.

(3) The legislature further finds that a program offered under a waiver:

(a) is not a perpetual federal or state right or a guaranteed entitlement; and

(b) is subject to cancellation upon appropriate notice.

(4) It is the intent of the legislature that the department shall apply to the secretary of the

U.S. department of health and human services for authority under 42 U.S.C. 1315 or other available waiver authority as necessary to provide health care services through a program operated in accordance with the provisions of [sections 9 through 15] for eligible individuals.

(5) The intent of the proposed program is to increase participation and competition in the health insurance market, intensify price pressures, and reduce costs for both publicly and privately funded health care."

Insert: "NEW SECTION. **Section 10. Definitions.** As used in [sections 9 through 15], the following definitions apply:

(1) "Carrier" means a private entity offering qualified health plans through the health insurance exchange.

(2) "Commissioner" means the commissioner of insurance provided for in 2-15-1903.

(3) "Cost sharing" means the portion of the cost of a covered medical service that must be paid by or on behalf of eligible individuals.

(4) "Department" means the department of public health and human services provided for in 2-15-2201.

(5) "Eligible individual" means an individual who meets the requirements of 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) as enacted by Public Law 111-148, Public Law 111-152, and federal regulations implementing those laws.

(6) "Health insurance exchange" or "exchange" means the American health benefit exchange established pursuant to 42 U.S.C. 18031.

(7) "Premium" means the charge established as a condition of enrolling in a qualified health plan.

(8) "Program" means the waiver program established under [sections 9 through 15].

(9) "Qualified health plan" means a qualified health plan as defined in 42 U.S.C. 18021(a).

(10) "Secretary" means the secretary of the U.S. department of health and human services.

(11) "Waiver" means a waiver of medicaid state plan requirements, subject to approval by the secretary of the U.S. department of health and human services, authorized by:

(a) 42 U.S.C. 1315;

(b) 42 U.S.C. 1315 in combination with 42 U.S.C. 1396n; or

(c) any other federal statutes the secretary considers necessary for implementation of [sections 9 through 15]."

Insert: "NEW SECTION. **Section 11. Design of waiver program -- rulemaking authority**. (1) The department shall submit, as may be necessary in seeking approval, one or more requests to the secretary of the U.S. department of health and human services for a waiver that provides health insurance coverage to eligible individuals who have a low risk of needing extensive medical services by primarily using a private insurance option.

(2) A waiver request must seek to:

(a) improve access to quality health care;

(b) attract insurance carriers and enhance competition in the insurance marketplace;

(c) promote individually owned health insurance;

(d) strengthen personal responsibility through cost-sharing;

(e) improve continuity of coverage;

(f) maximize available service options;

(g) reduce growth in the state-administered Medicaid program;

(h) encourage appropriate care, including early intervention, prevention, and wellness;

(i) increase quality and delivery system efficiencies;

(j) facilitate Montana's continued payment innovation, delivery system reform, and market-driven improvements;

(k) discourage overutilization of health care services;

(l) reduce waste, fraud, and abuse;

(m) encourage and reward health outcomes and responsible choices; and

(n) promote efficiencies that will deliver value to the taxpayer.

(3) Any proposal to be submitted to the secretary must:

(a) result in a federal medical assistance percentage that is commensurate with the percentage authorized for eligible individuals by Public Law 111-148 and Public Law 111-152 on [the effective date of this act];

(b) use the health insurance exchange to purchase qualified health plans for eligible individuals;

(c) require that eligible individuals participate in cost sharing on a basis that is comparable to the cost sharing required of persons in the same income range in the private insurance market and that is structured to enhance the ability of eligible individuals to invest in their health care purchasing decisions; and

(d) allow the department to provide payment to carriers for the premiums and cost sharing of eligible individuals enrolled in plans offered by the carriers.

(4) The department shall propose that participation in the program be limited to adults who are:

(a) currently employed or actively seeking employment;

(b) primary caregivers for a family member; or

(c) the spouses of adults who are employed or actively seeking employment.

(5) The department may propose that the program exempt from purchase of a qualified health plan any eligible individuals for whom obtaining a qualified health plan is determined to be impractical, overly complex, or contrary to continuity or effectiveness of health care because the individuals:

(a) have exceptional health care needs, including but not limited to medical, mental health, or developmental conditions; or

(b) live in a geographical area, including an Indian reservation, that lacks health care providers who are participating in a qualified plan available to the individuals.

(6) To the greatest extent possible, the department shall negotiate with the U.S. department of health and human services to develop waiver provisions that limit the extent to which the waiver would apply to eligible individuals who are able-bodied and who are not actively seeking employment.

(7) The department shall implement the program as allowed under the waiver approved by the secretary. The department may adopt rules to carry out the program, including but not limited to rules establishing procedures for:

(a) determining eligibility; and

(b) payment of premiums and cost-sharing requirements.

(8) The implementation of a program authorized under this section and the authority of 42 U.S.C. 1315 is not subject to Title 53, chapter 6, part 7, or any other state law pertaining to

managed care that would adversely affect:

(a) approval of the program by the secretary; or

(b) timely implementation of the program."

Insert: "NEW SECTION. **Section 12. Education and outreach on insurance coverage options**. (1) The department shall undertake activities to increase public awareness of and knowledge about the options for obtaining health insurance coverage, including but not limited to the option of participating in the program provided for in [sections 9 through 15], the availability of tax credits for purchasing insurance, and the ways in which the health exchange may be used to review and decide on insurance options.

(2) The department shall report on the activities planned and undertaken as part of the outreach and education effort:

(a) at each meeting of the advisory committee provided for in [section 4]; and

(b) at least twice a year to the children, families, health, and human services interim committee."

Insert: "NEW SECTION. **Section 13. Deposit of unexpended medicaid funds.** The department shall deposit into the insurance assistance mitigation account provided for in [section 15] any general fund money appropriated for medicaid services that is unexpended 12 months after the close of the fiscal year for which it was appropriated."

Insert: "NEW SECTION. **Section 14. Insurance assistance mitigation fee.** (1) A provider of medicaid services shall pay an insurance assistance mitigation fee as provided in this section.

(2) The department may establish by rule the amount of fee that each type of provider shall pay. The fee must be proportionate to the amount of medicaid services provided by each provider type.

(3) The fees established by the department must raise a total of $20 million per fiscal year.

(4) The fee is due no later than January 15 of each year. Proceeds from the fee must be deposited in the special revenue account provided for in [section 15]."

Insert: "NEW SECTION. **Section 15. Insurance assistance mitigation account -- report.** (1) There is an account in the state special revenue fund for the deposit of:

(a) any general fund money appropriated for medicaid services that is unexpended 12 months after the close of the fiscal year for which it was appropriated;

(b) money transferred from the general fund and the state special revenue fund that is the equivalent of the:

(i) reduction in state expenditures for health care services that occurs because of the use of medicaid funds to purchase health insurance and provide coverage for eligible individuals as allowed under [sections 9 through 15]; and

(ii) amount of general fund money replaced by receipt of the enhanced federal medical assistance percentage provided pursuant to 42 U.S.C. 1397ee(b) for the children's health insurance program; and

(c) the insurance assistance mitigation fee assessed by the department pursuant to [section 14] and by the commissioner as provided in [section 18].

(2) The department may accept contributions, gifts, and grants for deposit into the account and for use as provided in subsection (3).

(3) Money in the account must be used by the department to pay the state share of

expenditures for eligible individuals as allowed under [sections 9 through 15]. Money may not be spent from the account before January 1, 2017.

(4) The department shall identify the reductions in expenditures that occurred in the following programs because medicaid funds were used to cover eligible individuals as allowed under [sections 9 through 15]:

(a) the Montana comprehensive health association plan provided for in Title 33, chapter 22, part 15;

(b) the small business health insurance purchasing pool provided for in Title 33, chapter 22, part 20;

(c) services offered under the state medicaid program provided for in this part to:

(i) pregnant women;

(ii) individuals with breast or cervical cancer;

(iii) individuals undergoing chemical dependency and substance abuse treatment; and

(iv) any other eligible individual who is no longer obtaining services from a program paid for with general fund money;

(d) the mental health services program provided for in 53-21-702;

(e) health care services for individuals who have been ordered by a court of competent jurisdiction into a correctional facility or program as described in 53-1-202 when the health care services are provided outside of a correctional facility and paid for by the medicaid program rather than the general fund; and

(f) other sources as identified by the department.

(5) No later than January 1 of each odd-numbered year, the department shall report to the legislature on:

(a) the reductions identified pursuant to subsection (4); and

(b) the amount of federal funds the state received that are attributable to the enhanced federal medical assistance percentage provided pursuant to 42 U.S.C. 1397ee(b) for the children's health insurance program."

Insert: "NEW SECTION. **Section 16. Medicaid program reforms.** (1) The department shall undertake efforts to redesign and reform the Montana medicaid program as outlined in this section. The department shall include parties interested in the operation of the programs in the process of developing and implementing the reforms.

(2) As part of its efforts under this section, the department shall:

(a) implement a patient-centered medical home model of care; and

(b) design and implement a plan to reduce use of hospital emergency departments for nonemergency care, using methods that include but are not limited to:

(i) allowing nurses to evaluate the level of care a patient may need;

(ii) providing targeted patient education;

(iii) increasing the monitoring of excessive emergency room use and behavior that may indicate that an individual is seeking prescription drugs from multiple sources; and

(iv) requiring providers participating in any primary care case management program to see a medicaid recipient assigned to their care within the timeframe established by the department by rule. The department shall establish by rule timeframes that may differ based on the urgency of a patient's medical condition.

(3) To the greatest extent possible, the department shall undertake the activities in subsection (2) no later than January 1, 2014."

Insert: "NEW SECTION. **Section 17. Value-based purchasing.** (1) The department shall establish a value-based purchasing system for the medicaid program. The program shall allow for incentive payments to the following providers if the providers meet established performance standards:

(a) hospitals;
(b) physicians;
(c) advanced practice registered nurses;
(d) long-term care facilities; and
(e) home health care agencies.

(2) The department shall identify quality indicators and benchmarks using standards established by the medicare value-
based purchasing program authorized pursuant to 42 U.S.C. 1395ww.

(3) The department shall require the providers listed in subsection (1) to begin reporting by July 1, 2014, the data required for quality indicators identified by the department.

(4) Medicaid payments to providers may be adjusted beginning in fiscal year 2016 to recognize a provider's compliance with quality indicators and benchmarks established pursuant to this section."

Insert: "NEW SECTION. **Section 18. Insurance assistance mitigation fee.** (1) As a condition of writing health care benefits policies or contracts in this state, health insurance issuers licensed or authorized to do business in this state, including those formed under 42 U.S.C. 18042 as a consumer operated and oriented plan, shall pay an insurance assistance mitigation fee as provided in this section.

(2) The commissioner may establish by rule the amount of fee that an insurer shall pay. The fee must be proportionate to the number of policies or contracts that the insurer issues in Montana.

(3) The fees established by the commissioner must raise a total of $10 million per fiscal year.

(4) The fee is due no later than January 15 of each year. Proceeds from the fee must be deposited in the special revenue account provided for in [section 15]."

Insert: "Section 19. Section 33-2-708, MCA, is amended to read:

"33-2-708. (Temporary) Fees and licenses. (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of $1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:
(i) nonresident insurance producer's license:
(A) application for original license, including issuance of license, if issued, $100;
(B) biennial renewal of license, $50;
(C) lapsed license reinstatement fee, $100;
(ii) resident insurance producer's license lapsed license reinstatement fee, $100;
(iii) surplus lines insurance producer's license:
(A) application for original license and for issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(iv) insurance adjuster's license:
(A) application for original license, including issuance of license, if issued, $50;

(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(v) insurance consultant's license:
(A) application for original license, including issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(vi) viatical settlement broker's license:
(A) application for original license, including issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(vii) resident and nonresident rental car entity producer's license:
(A) application for original license, including issuance of license, if issued, $100;
(B) quarterly filing fee, $25;
(viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), $50;
(ix) 50 cents for each page for copies of documents on file in the commissioner's office;
(x) the insurance assistance mitigation fee provided for in [section 18].
(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.
(2) (a) The commissioner shall charge a fee of $75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than $1,500 to a sponsoring organization submitting courses or programs for review in any biennium.
(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).
(3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.
(b) The commissioner shall deposit 16.67% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.
(c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.
(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of $10 will be refunded. (Terminates June 30, 2013--sec. 35(2), Ch. 486, L. 2009.)
33-2-708. (Effective July 1, 2013) Fees and licenses. (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of $1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.
(b) The commissioner shall collect certain additional fees as follows:
(i) nonresident insurance producer's license:
(A) application for original license, including issuance of license, if issued, $100;
(B) biennial renewal of license, $50;
(C) lapsed license reinstatement fee, $100;
(ii) resident insurance producer's license lapsed license reinstatement fee, $100;
(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(iv) insurance adjuster's license:
(A) application for original license, including issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(v) insurance consultant's license:
(A) application for original license, including issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(vi) viatical settlement broker's license:
(A) application for original license, including issuance of license, if issued, $50;
(B) biennial renewal of license, $100;
(C) lapsed license reinstatement fee, $200;
(vii) resident and nonresident rental car entity producer's license:
(A) application for original license, including issuance of license, if issued, $100;
(B) quarterly filing fee, $25;
(viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), $50;
(ix) 50 cents for each page for copies of documents on file in the commissioner's office;
(x) the insurance assistance mitigation fee provided for in [section 18].
(c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.
(2) (a) The commissioner shall charge a fee of $75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than $1,500 to a sponsoring organization submitting courses or programs for review in any biennium.
(b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).
(3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.
(b) The commissioner shall deposit 33% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.
(c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.
(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of $10 will be refunded.""

Insert: "Section 20. Section 33-31-111, MCA, is amended to read:

"33-31-111. Statutory construction and relationship to other laws. (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to a health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated

pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

(6) This section does not exempt a health maintenance organization from:

(a) prohibitions against interference with certain communications as provided under chapter 1, part 8;

(b) the provisions of Title 33, chapter 22, part 19;

(c) the requirements of 33-22-134 and 33-22-135;

(d) network adequacy and quality assurance requirements provided under chapter 36; or

(e) the requirements of Title 33, chapter 18, part 9.

(7) Title 33, chapter 1, parts 12 and 13, Title 33, chapter 2, part 19, 33-2-1114, 33-2-1211, 33-2-1212, 33-3-401, 33-3-422, 33-3-431, 33-15-308, Title 33, chapter 17, Title 33, chapter 19, 33-22-107, 33-22-129, 33-22-131, 33-22-136, 33-22-137, 33-22-141, 33-22-142, 33-22-152, [section 18], 33-22-244, 33-22-246, 33-22-247, 33-22-514, 33-22-515, 33-22-521, 33-22-523, 33-22-524, 33-22-526, and 33-22-706 apply to health maintenance organizations.""

Insert: "Section 21. Section 37-8-202, MCA, is amended to read:

"37-8-202. Organization -- meetings -- powers and duties. (1) The board shall:

(a) meet annually and elect from among the members a president and a secretary;

(b) hold other meetings when necessary to transact its business;

(c) prescribe standards for schools preparing persons for registration and licensure under this chapter;

(d) provide for surveys of schools at times the board considers necessary;

(e) approve programs that meet the requirements of this chapter and of the board;

(f) conduct hearings on charges that may call for discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved list;

(g) cause the prosecution of persons violating this chapter. The board may incur necessary expenses for prosecutions.

(h) adopt rules regarding authorization for prescriptive authority of advanced practice registered nurses. If considered appropriate for an advanced practice registered nurse who applies to the board for authorization, prescriptive authority must be granted.

(i) adopt rules to define criteria for the recognition of registered nurses who are certified through a nationally recognized professional nursing organization as registered nurse first assistants; ~~and~~

(j) establish a medical assistance program to assist licensed nurses who are found to

be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness. The program must provide for assistance to licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward rehabilitation. The board shall ensure that a licensee who is required or volunteers to participate in the medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified treatment program outside the state unless the board finds that there is no qualified treatment program in this state. For purposes of funding this medical assistance program, the board shall adjust the renewal fee to be commensurate with the cost of the program.

(k) pursuant to rules adopted by the board, periodically collect workforce data for the purpose of creating a statewide strategy for promoting efforts to develop a nursing workforce that will best meet the health care needs of Montanans. Except as otherwise provided by law, the data collected may not be disclosed in a manner that reveals individually identifiable information.

(2) The board may:

(a) participate in and pay fees to a national organization of state boards of nursing to ensure interstate endorsement of licenses;

(b) define the educational requirements and other qualifications applicable to recognition of advanced practice registered nurses. Advanced practice registered nurses are nurses who must have additional professional education beyond the basic nursing degree required of a registered nurse. Additional education must be obtained in courses offered in a university setting or the equivalent. The applicant must be certified or in the process of being certified by a certifying body for advanced practice registered nurses. Advanced practice registered nurses include nurse practitioners, nurse-midwives, nurse anesthetists, and clinical nurse specialists.

(c) establish qualifications for licensure of medication aides, including but not limited to educational requirements. The board may define levels of licensure of medication aides consistent with educational qualifications, responsibilities, and the level of acuity of the medication aides' patients. The board may limit the type of drugs that are allowed to be administered and the method of administration.

(d) adopt rules for delegation of nursing tasks by licensed nurses to unlicensed persons;

(e) adopt rules necessary to administer this chapter; and

(f) fund additional staff, hired by the department, to administer the provisions of this chapter.""

Insert: "Section 22. Section 37-8-204, MCA, is amended to read:

"37-8-204. Executive director. (1) The department shall hire an executive director to provide services to the board in connection with the board's duties of:

(a) prescribing curricula and standards for nursing schools and making surveys of and approving schools and courses;

(b) evaluating and approving courses for affiliation of student nurses; ~~and~~

(c) reviewing qualifications of applicants for licensure; and

(d) collecting workforce data.

(2) The department shall hire as the executive director an individual who:

(a) is a graduate of an approved school of nursing and who has at least a master's degree with postgraduate courses in nursing;

(b) is licensed as a registered professional nurse in Montana; and

(c) has experience in teaching or administration in an approved school of nursing and who has completed at least 3 years in the clinical practice of nursing.""

Insert: "Section 23. Section 53-6-132, MCA, is amended to read:

"53-6-132. Application for assistance -- exception. (1) ~~Subject to subsection (2), application for assistance under this part may be made in any local office of public assistance.~~ The department shall adopt medicaid eligibility procedures and criteria that are consistent with federal requirements.

(2) ~~The~~ An application for medical assistance under this part must be presented in the manner and on the form prescribed by the department.

(3) All individuals wishing to apply must have the opportunity to do so.

~~(2) Notwithstanding the provisions of subsection (1), the department may designate an entity other than the local office of public assistance to determine eligibility for medicaid managed care services.~~

(4) The department may participate with federal and state programs and agencies in the coordination of procedures and criteria for eligibility determination, including use of interactive electronic networks and databases and other appropriate measures.""

Insert: "Section 24. Section 53-6-133, MCA, is amended to read:

"53-6-133. Eligibility determination. (1) The ~~local office of public assistance shall promptly determine the~~ eligibility of each applicant under this part must be determined in accordance with the rules of the department. Each applicant must be informed of the right to ~~a fair hearing~~ appeal a determination and of the confidential nature of the information given. ~~The department, through the local office of public assistance, shall, after the hearing, determine whether or not~~ If the applicant is eligible for assistance under this part, ~~and~~ aid must be furnished promptly ~~to eligible persons~~. Each applicant must receive written notice of the decision concerning the applicant's application~~,~~ and of the right of appeal ~~is secured to the applicant under the procedures of 53-2-606~~.

(2) The local office of public assistance and the department may accept the federal social security administration's determination of eligibility for supplemental security income, Title XVI of the Social Security Act, as qualifying the eligible individuals to receive medical assistance under this part.""

Insert: "NEW SECTION. **Section 25. Codification instruction.** (1) [Sections 1 through 5] are intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [sections 1 through 5].

(2) [Sections 6 through 8] are intended to be codified as an integral part of Title 37, chapter 3, and the provisions of Title 37, chapter 3, apply to [sections 6 through 8].

(3) [Sections 9 through 15] are intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to [sections 9 through 15].

(4) [Sections 16 and 17] are intended to be codified as an integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [sections 15 and 16].

(5) [Section 18] is intended to be codified as an integral part of Title 33, chapter 22, part 1, and the provisions of Title 33, chapter 22, part 1, apply to [section 18]."

Insert: "NEW SECTION. **Section 26. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 27. Contingent voidness.** (1) If the secretary of the U.S. department of health and human services gives notice to the state that the U.S. department of health and human services will not consider for approval or would not approve the purchase of health insurance with medicaid funds for eligible individuals pursuant to [sections 9 through 15], then [sections 9 through 15 and 18] are void and the state may not obtain or use medicaid funds for individuals who would be eligible for medicaid under 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).

(2) The director of the department of public health and human services shall notify the code commissioner of the occurrence of the contingency within 10 days of its occurrence."

Insert: "NEW SECTION. **Section 28. Effective dates.** (1) Except as provided in subsections (2) and (3), [this act] is effective October 1, 2013.

(2) [Sections 1 through 8, 14, 15, and 18] are effective July 1, 2013.

(3) [Sections 9 through 13 and 25 through 30] are effective on passage and approval."

Insert: "NEW SECTION. **Section 29. Contingent termination.** (1) [Sections 9 through 14 and 18] terminate on the date that the federal medical assistance percentage for medical services provided to individuals eligible for medicaid pursuant to 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) is set below the level provided for in 42 U.S.C. 1396d(y) on [the effective date of this act].

(2) [Section 15] terminates 15 months after the contingency provided for in subsection (1) of this section occurs.

(3) The director of the department of public health and human services shall certify to the governor the occurrence of the contingency. The governor shall transmit a copy of the certification to the code commissioner."

Insert: "NEW SECTION. **Section 30. Termination.** (1) Except as provided in [sections 27 and 29], [sections 9 through 14 and 18] terminate June 30, 2017.

(2) Except as provided in [section 29(2)], [section 15] terminates September 30, 2017.

(3) [Section 5] terminates June 30, 2019."

Senator Wittich recommended the Senate recess to convene a Rules Committee meeting for the purpose of determining if the proposed amendment fits within the title of the bill.

Senate recessed at 2:45 p.m; Senate reconvened at 3:44 p.m. All members present.

Senator Wittich announced the determination of the Rules Committee is that amendment 623-002 violates Joint Rule 40-90 because it conflicts with the purpose of the bill. Senator Wittich moved the Senate adopt the Rules Committee report. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

The Senate reverted to discussion of Senator Wanzenried's motion to amend **HB 623**.

Senator Thomas requested Sections 3, 23, and 24 be divided from the balance of the amendment.

Motion to amend **HB 623,** excluding Sections 3, 23, and 24 of the amendment, passed as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Motion to amend **HB 623** with Sections 3, 23, and 24 of the amendment **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 623 - Senator Thomas moved **HB 623**, as amended, be concurred in. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sonju moved the Committee of the Whole report be adopted.

Senators Priest and Vincent excused at this time.

Report adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Lewis, Moore, Ripley, Rosendale, Sales, Sonju, Thomas, Walker, Webb, Wittich, Mr. President.

Total 17

Absent or not voting: None.
Total 0

Excused: Priest, Vincent.
Total 2

MOTIONS

Senator F. Moore moved that **HB 213** be taken from Education and Cultural Resources and brought before the Committee of the Whole tomorrow, April 17, the eighty-first legislative day. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 24

Absent or not voting: None.
Total 0

Excused: Peterson, Vincent.
Total 2

Senator Sonju moved that **HB 230** be taken from Taxation and brought before the Committee of the Whole tomorrow, April 17, the eighty-first legislative day. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: Peterson, Vincent.
Total 2

Senator Wittich moved the Senate appoint a Conference Committee on **SB 342** and request the House to appoint a like committee. Without objection, so ordered. President Essmann appointed:

4/16/2013

Senator Lewis, Chair
Senator Arntzen
Senator Windy Boy

Senator Wittich moved the Senate accede to the request of the House and appoint a conference committee on **HB 431.** Without objection, so ordered. President Essmann appointed:

4/16/2013

Senator Olson, Chair
Senator Tropila
Senator Walker

Senator Wittich moved the Senate accede to the request of the House and appoint a **free** conference committee on **HB 450.** Without objection, so ordered. President Essmann appointed:

4/16/2013

Senator Wittich, Chair
Senator Thomas
Senator Caferro

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, April 17, 2013, the eighty-first legislative day. Motion carried.

Senate adjourned at 5:03 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 17, 2013 — State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/17/2013

Correctly printed: **SJR 34**, **SR 43**, **SR 60**, **SR 72**, **SR 73**, **SR 74**, **HB 76**, **HB 298**, **HB 408**, **HB 414**, **HB 423**, **HB 521**, **HB 535**, **HB 555**, **HB 556**, **HB 559**, **HB 588**, **HB 591**, **HB 593**, **HB 607**, **HB 614**, **HB 619**, **HB 626**, **HB 631**.
Correctly engrossed: **HB 129**, **HB 623**.
Correctly enrolled: **SB 108**, **SB 355**.
Examined by the sponsor and found to be correct: **SB 31**, **SB 178**, **SB 203**, **SR 32**, **SR 63**.
Signed by the Secretary of the Senate at 11:00 a.m., April 17, 2013: **SB 94**, **SB 114**, **SB 138**, **SB 158**, **SB 160**, **SB 183**, **SB 191**, **SB 250**, **SB 275**, **SB 301**, **SB 302**, **SB 325**, **SB 337**, **SB 357**, **SR 34**, **SR 41**, **SR 44**, **SR 45**, **SR 50**, **SR 54**.
Signed by the President at 12:20 p.m., April 17, 2013: **SB 94**, **SB 114**, **SB 138**, **SB 158**, **SB 160**, **SB 183**, **SB 191**, **SB 250**, **SB 275**, **SB 301**, **SB 302**, **SB 325**, **SB 337**, **SB 357**, **SR 34**, **SR 41**, **SR 44**, **SR 45**, **SR 50**, **SR 54**.
Delivered to the Secretary of State at 3:10 p.m., April 17, 2013: **SR 34**, **SR 41**, **SR 44**, **SR 45**, **SR 50**, **SR 54**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 4/16/2013
SJR 29, be adopted. Report adopted.
SR 56, be adopted. Report adopted.
SR 57, be adopted. Report adopted.
SR 59, be adopted. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/17/2013
SJR 33, do pass. Report adopted.
HB 599, be concurred in. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 4/10/2013
SR 51, be adopted. Report adopted.
SR 52, be adopted. Report adopted.
SR 53, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 101**
Report No. 001, April 16, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 101** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 101** (reference copy -- salmon) be amended as follows:

1. Page 3, line 14.
Following: "nonambulatory"
Strike: "or"
Insert: ","
Following: "mobility"
Insert: ", or to have a documented genetic condition that limits the person's ability to walk or carry significant weight for long distances"

2. Page 3.
Following: line 20
Insert: "(iii) "Documented genetic condition" means a diagnosis derived from genetic testing and confirmed by a licensed physician."
Renumber: subsequent subsections

3. Page 3, line 26 through line 27.
Strike: "A PERMANENT" on line 26 through "MEDICAL CONDITION OR" on line 27

For the Senate:
Brenden, Chair
Facey
Fielder

For the House:
Flynn, Vice Chair
Jacobson
Welborn

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 206**
Report No. 001, April 16, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 206** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 206** (reference copy -- salmon) be amended as follows:

1. Page 1, line 21.
Following: "."
Insert: "In cases in which judgment is entered by default, no charge except the fee provided in subsection (1) for the filing of the complaint may be made for any services, including issuing and return of execution."

For the Senate:
Sales, Chair
Blewett
Fielder

For the House:
Flynn, Vice Chair
Fitzpatrick
Gursky

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 301**
Report No. 001, April 17, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 301** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 301** (reference copy -- salmon) be amended as follows:

1. Page 1, line 17.
Strike: "80%"
Insert: "100%"

2. Page 1, line 24.
Strike: "80%"
Insert: "100%"

3. Page 1, line 25.
Strike: "80%"
Insert: "100%"

4. Page 2, line 4.
Strike: "80% of"

5. Page 2, line 6.
Strike: "80% of"

6. Page 3, line 15.
Strike: "80%"

Insert: "100%"

For the Senate:
F. Moore, Chair
Arntzen
Facey

For the House:
Halvorson, Vice Chair
Pomnichowski
Washburn

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 395**
Report No. 001, April 16, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 395** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 395** (reference copy -- salmon) be amended as follows:

1. Page 1, line 21.
Following: "~~public~~"
Insert: "of the general public"
Following: "WHO ARE"
Insert: "or have been"

For the Senate:
T. Brown, Chair
Phillips
Taylor

For the House:
Wagoner, Vice Chair
Randall
Williams

MESSAGES FROM THE GOVERNOR

April 16, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Tuesday, April 16, 2013, I signed and delivered the following Senate bill to the Secretary of State:

Senate Bill 149 - Thomas

Sincerely,

STEVE BULLOCK
Governor

April 15, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 19** (SB 19), "AN ACT DEFINING THE TERM "COMBINED APPROPRIATION" FOR WATER WELLS AND DEVELOPED SPRINGS THAT ARE EXEMPT FROM PERMITTING; CLARIFYING THE DEFINITION OF THE TERM "DEVELOPED SPRING"; AND AMENDING SECTIONS 85-2-102 AND 85-2-306, MCA."

SB 19 would limit the ability of a senior water right holder to protect their property right. "First in time, first in right" is a bedrock principle of water law, but any right is only as good as one's ability to protect it. SB 19 in its current form would perpetuate a system where many water wells could be developed in close proximity to one another, collectively pump substantial amounts of water, and the holder of an adjacent senior water right would be powerless to protect that right.

Although senior water rights are held by many individuals and entities in this state, including cities and town, hydroelectric facilities, and many others, a great many of our agricultural producers hold senior water rights. I am very concerned about the impacts of SB 19 on agriculture, the largest sector of our economy.

For example, if an agricultural producer seeks to develop a well for a center pivot to irrigate 100 acres of alfalfa, he or she must rightfully go through the State's permitting process in order to show that the water is both legally available and its use will not have an adverse effect on more senior water rights. However, under SB 19, if a subdivision is built next door and includes a well for each lot that, cumulatively, uses the same amount of water, no permit is required. Moreover, there is no basis for the senior water right holder to object. This makes no sense, and equity alone dictates that the permitting process should apply.

I am cognizant of the impacts of SB 19 on other uses, in particular land development. It is appropriate and necessary to have some threshold for well development that encourages development by allowing for new wells without the rigors of permitting. But on balance, SB 19 tips

too far away from senior water rights and prior appropriation.

Accordingly, I am returning SB 19 with proposed amendments that accomplish four things:

First, recognizing that one size does not fit all, my amendments operate only in closed basins where the challenges of appropriating water for new uses, and the threats to senior water rights holders, are greatest.

Second, my amendments utilize a square 40-acre parcel of land as a minimum point of reference for new exempt wells, which is consistent with the standard already in place under section 85-2-306 for exempt stock pits. The spacing requirement for stock pits was designed by the Legislature to protect other nearby water appropriators, and the same rationale is applicable here.

Third, my amendments provide maximum flexibility to landowners by limiting application of the spacing requirements for new exempt wells to single parcels. This will still allow for the use of multiple new exempt wells on a single parcel, including the development of a new subdivision, and a landowner's rights will not be limited by the actions of their neighbor.

Fourth, my amendments protect existing rights.

I believe my amendments strike a better balance for Montana's agricultural producers and other senior water rights holders while still promoting development through the reasonable use of exempt wells. I respectfully ask that you support these amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 19** (reference copy -- salmon) are as follows:

1. Page 2, line 23.
Strike: "physically connected into the same system"
Insert: ":
(a) physically connected into the same system; or
(b) hydrologically connected within a basin closed pursuant to 85-2-319, 85-2-321, 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344 and located within 1,320 feet of one another on the same parcel as that parcel existed on [the effective date of this act]"

2. Page 7, line 3.
Insert: "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/16/2013

SB 108, introduced by T. Brown
SB 355, introduced by Hamlett

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/16/2013

SB 69, introduced by Walker
SB 264, introduced by Arntzen
SB 265, introduced by Jackson

This amended bill is being returned after the deadline for General Bills. Joint rule 40-200 requires a 2/3 vote for the bill to be considered by the Senate.

SB 201, introduced by Hamlett

House joint resolutions passed and transmitted to the Senate for concurrence: 4/16/2013

HJR 22, introduced by Coffin
HJR 26, introduced by Connell

HB 277 - The House failed to concur in Senate amendments to **HB 277,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 277:**

4/16/2013

Representative McChesney, Vice Chair
Representative Greef
Representative Hansen

MOTIONS

Senator Jergeson moved the Conference Committee on **SB 26** be dissolved. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: Boulanger, Brenden, T. Brown, Moore, Priest, Sonju, Taylor, Vincent, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 35, introduced by Hamlett, Debby Barrett, Connell, McChesney, Stewart-Peregoy, Vincent, referred to Natural Resources.
SJR 36, introduced by Hamlett, Debby Barrett, Connell, McChesney, Stewart-Peregoy, Vincent, referred to Natural Resources.
SJR 37, introduced by Hamlett, Debby Barrett, Connell, McChesney, Stewart-Peregoy, Vincent, referred to Natural Resources.
SJR 38, introduced by Windy Boy, Augare, Brockie, Calf Boss Ribs, Hamlett, Pease-Lopez, B. Smith, Stewart-Peregoy, Whitford, referred to Education and Cultural Resources.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 75, introduced by Arntzen (by request of the Senate Highways and Transportation Standing Committee), referred to Highways and Transportation.
SR 76, introduced by Sonju (by request of the Senate Business, Labor, and Economic Affairs Standing Committee), referred to Business, Labor, and Economic Affairs.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 22, introduced by Coffin, referred to Education and Cultural Resources.
HJR 26, introduced by Connell, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 509 - Senator Walker moved **HB 509** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Windy Boy.
Total 30

Nays: Barrett Dick, Blewett, D. Brown, Caferro, Facey, Jergeson, Kaufmann, Phillips, Ripley, Rosendale, Sales, Taylor, Tropila, Van Dyk, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 19 - Senator Tutvedt moved **HB 19** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Arntzen, Boulanger, D. Brown, Buttrey, Priest, Sonju, Vincent, Walker, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 39 - Senator Wanzenried moved **HB 39** be concurred in.

HB 39 - Senator L. Jones moved **HB 39**, second reading copy, be amended as follows:

1. Page 16, line 4.
Insert: "COORDINATION SECTION. **Section 8. Coordination instruction.** If both Senate Bill No. 175 and [this act] are passed and approved and if both contain a section that amends 20-9-518, then the sections amending 20-9-518 are void and 20-9-518 must be amended as follows:

"20-9-518. (Effective July 1, 2013) County school oil and natural gas impact fund. (1) The governing body of a county receiving an allocation under ~~20-9-104(6) and 20-9-310(7)~~

20-9-310(4)(b) shall establish a county school oil and natural gas impact fund.

(2) Money received by a county pursuant to ~~20-9-104(6) and 20-9-310(7)~~ 20-9-310(4)(b) must remain in the fund and may not be appropriated by the governing body until:

(a) the amount of oil and natural gas production taxes received by a school district for the fiscal year is ~~30%~~ 50% or less of the amount of the average received by the district in the previous 4 fiscal years; or

(b) the average price for a barrel of oil ~~is $50 a barrel or less for the fiscal year; or~~ as reported in the Wall Street Journal for west Texas intermediate crude oil during a calendar quarter is less than $65 a barrel. The average price for each barrel must be computed by dividing the sum of the daily price for west Texas intermediate crude oil as reported in the Wall Street Journal for the calendar quarter by the number of days on which the price was reported in the quarter.

~~(c) the production of oil in the county drops 50% or more below the average oil production in the county during the immediately preceding 5-year period.~~

(3)(a) Within 120 days following the end of the fiscal year, the superintendent of public instruction shall determine if the criteria in subsection (2)(a) have been met and the department of revenue shall determine if the criteria in subsection (2)(b) have been met.

(b) If it is determined under subsection (3)(a) that the criteria in subsection (2)(a) or (2)(b) have been met, the superintendent of public instruction or the department of revenue shall notify the county treasurer.

~~(3)~~(4) ~~Within 30 days of any of the circumstances described in subsections (2)(a) through (2)(c) occurring, the governing body of the county~~ Upon notification under subsection (3)(b), the county treasurer shall allocate 80% of the money proportionally to affected high school districts and elementary school districts in the county, which must be calculated by dividing the total funds available for distribution by the total number of quality educators, as defined in 20-4-502, employed by the qualifying school districts in the county in the immediately preceding school fiscal year. The number of quality educators used for the calculation under this subsection in a district with territory in more than one county must be prorated based on the average number belonging of the district residing in school district territory located in each respective county. A school district receiving this money may deposit the funds in any budgeted fund of the district at the discretion of the trustees.

~~(4)~~(5) The governing body of the county may use 20% of the money in the fund to:

(a) pay for outstanding capital project bonds or other expenses incurred prior to the reduction in the price of oil ~~described in subsection (2)(b)~~ or the reduction in the receipt of oil and natural gas production taxes described in subsection (2);

(b) offset property tax levy increases that are directly caused by the cessation or reduction of oil and natural gas activity;

(c) promote diversification and development of the economic base within the jurisdiction;

(d) attract new industry to the area impacted by ~~the~~ changes in oil and natural gas activity leading to the reduction in the price of oil or the reduction in the receipt of oil and natural gas production taxes described in subsection (2); or

(e) provide cash incentives for expanding the employment base of the area impacted by the changes in oil and natural gas activity leading to the reduction in the price of oil or the reduction in the receipt of oil and natural gas production taxes described in subsection (2).

~~(5)~~(6) Except as provided in subsection ~~(4)(b)~~ (5)(b), money held in the fund may not be

considered as fund balance for the purpose of reducing mill levies.

~~(6)~~(7) Money in the fund must be invested as provided by law. Interest and income from the investment of money in the fund must be credited to the fund.""

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 35

Nays: Arntzen, Barrett Debby, Boulanger, Fielder, Jackson, Moore, Murphy, Priest, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 39 - Senator Wanzenried moved **HB 39**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 33

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 218 - Senator Rosendale moved **HB 218** be concurred in.

HB 218 - Senator Rosendale moved **HB 218**, second reading copy, be amended as follows:

1. Title, page 1, line 12.
Following: "~~ACCOUNT;~~"
Insert: "TRANSFERRING MONEY FROM THE GENERAL FUND TO THE OIL AND GAS IMPACT ACCOUNT;"

2. Page 8, following line 5.
Insert: "NEW SECTION. **Section 10. Transfer of funds.** By June 30, 2013, the state treasurer shall transfer $15 million from the general fund to the oil and gas impact account established in [section 6]."
Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Mr. President.
Total 34

Nays: Augare, Blewett, Brenden, Caferro, Jent, Jergeson, Kaufmann, Keane, Malek, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 218 - Senator Rosendale moved **HB 218**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Barrett Dick, Kaufmann, Phillips.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 377 - Senator Facey moved **HB 377** be concurred in.

HB 377 - Senator Lewis moved **HB 377**, second reading copy, be amended as follows:

1. Page 29, line 22 through line 24.
Strike: section 25 in its entirety
Insert: "NEW SECTION. **Section 25. Nonseverability.** It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 377 - Thereupon, the Senate reverted to the original motion of Senator Facey which passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Prior to voting, Senator Facey disclosed he is a member of the Teachers' Retirement System.

HB 454 - Senator Jent moved **HB 454** be concurred in.

HB 454 - Senator Sesso moved **HB 454**, second reading copy, be amended as follows:

1. Page 13, line 30.
Strike: "from $140 million"

Amendment adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 454 - Senator Lewis moved **HB 454**, second reading copy, be amended as follows:

1. Page 29, line 17 through line 19.
Strike: section 13 in its entirety
Insert: "NEW SECTION. **Section 13. Nonseverability.** It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

Amendment **not** adopted as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Lewis,

Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 454 - Senator Jent moved **HB 454**, as amended, be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Fielder, Jackson, Lewis, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Prior to voting, Senators Driscoll, Jergeson, Lewis, Sales, Sesso, Tropila, Vuckovich, Wanzenried and others disclosed they are members of the Public Employees' Retirement System.

HB 521 - Senator Murphy moved **HB 521** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 556 - Senator Brenden moved **HB 556** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 35

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Jackson, Moore, Olson, Ripley, Sales, Sonju, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 603 - Senator Wittich moved **HB 603** be concurred in.

HB 603 - Senator Blewett moved **HB 603**, second reading copy, be amended as follows:

1. Page 1, line 30.
Strike: "ANY PUBLIC"
Insert: "a state or local"

2. Page 2, line 2.
Strike: "PUBLIC"
Insert: "state or local"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen,

Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: D. Brown, Fielder, Jackson, Jent, Priest, Ripley, Sales, Vincent, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 603 - Senator Wittich moved **HB 603**, as amended, be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 626 - Senator Olson moved **HB 626** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 423 - Senator Murphy moved **HB 423** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 25

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 423 - Senator Wittich moved **HB 423** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 631 - Senator Boulanger moved **HB 631** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 298 - Senator Brenden moved **HB 298** be concurred in.

HB 298 - Senator Ripley moved **HB 298**, second reading copy, be amended as follows:

1. Page 2, line 18.
Strike: "HUNTERS,"

Amendment **not** adopted as follows:

Yeas: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Taylor, Thomas, Tutvedt, Walker, Webb, Mr. President.
Total 23

Nays: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 298 - Thereupon, the Senate reverted to the original motion of Senator Brenden which passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Fielder,

Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 35

Nays: Augare, Barrett Dick, Blewett, D. Brown, Driscoll, Facey, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Dee Brown rose on a point of personal privilege. Senator Van Dyk responded to Senator Brown.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Barrett Debby, Blewett, Brenden, Kaufmann, Sales, Taylor, Tropila, Wanzenried, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 196, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 217, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 535 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Driscoll.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 559 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Jones, Kaufmann, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 35

Nays: Barrett Debby, Brenden, D. Brown, Hamlett, Jackson, Keane, Larsen, Malek, Priest, Sales, Sesso, Taylor, Walker, Webb, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 588 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 591 concurred in as follows:

Yeas: Arthun, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Van Dyk, Vuckovich, Webb, Windy Boy.
Total 30

Nays: Arntzen, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, Kaufmann, Priest, Rosendale, Sales, Sonju, Thomas, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 593 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Augare, Barrett Dick, Blewett, Facey, Kaufmann, Tropila.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 607 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Augare, Barrett Dick, D. Brown, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 619 failed (due to 2/3 of the Legislature vote requirement) as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 614 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 43

Nays: Brenden, D. Brown, Fielder, Vincent, Walker, Wittich, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 414 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy.
Total 38

Nays: Augare, Blewett, Brenden, D. Brown, Jent, Keane, Sales, Stewart-Peregoy, Taylor, Wanzenried, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 76 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 38

Nays: Arthun, Barrett Debby, Boulanger, Priest, Ripley, Sales, Sonju, Thomas, Tutvedt, Vincent, Walker, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 408 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson,

Kaufmann, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 45, **as amended by the Governor**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 162, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sonju.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 574 failed (due to 2/3 of each house vote requirement) as follows:

Yeas: Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Hamlett, Jackson, Jones, Lewis, Malek, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Mr. President.
Total 29

Nays: Arntzen, Barrett Dick, Blewett, Caferro, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Moore, Peterson, Sesso, Sonju, Taylor, Thomas, Tropila, Van Dyk, Wanzenried, Webb, Wittich.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Thursday, April 18, 2013, the eighty-second legislative day. Motion carried.

Senate adjourned at 3:42 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 18, 2013 — State Capitol

Senate convened at 1:03 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Walker, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/19/2013

Correctly printed: **SJR 29**, **SJR 33**, **SJR 35**, **SJR 36**, **SJR 37**, **SJR 38**, **SR 51**, **SR 52**, **SR 53**, **SR 56**, **SR 57**, **SR 59**, **SR 75**, **SR 76**, **HB 19**, **HB 298**, **HB 377**, **HB 509**, **HB 521**, **HB 556**, **HB 599**, **HB 626**, **HB 631**.
Correctly engrossed: **SJR 31**, **SR 31**, **HB 39**, **HB 218**, **HB 411**, **HB 454**, **HB 603**.
Correctly enrolled: **SB 117**, **SB 162**, **SB 196**, **SB 217**, **SB 226**, **SB 231**, **SB 240**, **SB 386**, **SB 401**.
Examined by the sponsor and found to be correct: **SB 28**, **SB 108**, **SB 355**.
Transmitted to the House: **HB 19**, **HB 39**, **HB 76**, **HB 129**, **HB 218**, **HB 298**, **HB 377**, **HB 408**, **HB 414**, **HB 454**, **HB 509**, **HB 521**, **HB 535**, **HB 556**, **HB 559**, **HB 588**, **HB 591**, **HB 593**, **HB 603**, **HB 607**, **HB 614**, **HB 623**, **HB 626**.
Signed by the Secretary of the Senate at 10:27 a.m., April 18, 2013: **SB 31**, **SB 178**, **SB 203**, **SR 32**, **SR 63**.
Signed by the President at 3:20 p.m., April 18, 2013: **SB 31**, **SB 178**, **SB 203**, **SR 32**, **SR 63**.
Signed by the Speaker at 8:30 a.m., April 18, 2013: **SB 94**, **SB 114**, **SB 138**, **SB 158**, **SB 160**, **SB 183**, **SB 191**, **SB 250**, **SB 275**, **SB 301**, **SB 302**, **SB 325**, **SB 337**, **SB 357**.
Delivered to the Governor at 11:14 a.m., April 18, 2013: **SB 94**, **SB 114**, **SB 138**, **SB 158**, **SB 160**, **SB 183**, **SB 191**, **SB 250**, **SB 275**, **SB 301**, **SB 302**, **SB 325**, **SB 337**, **SB 357**.
Delivered to the Governor at 11:59 a.m., April 18, 2013: **SB 105**, **SB 139**. Senate and House failed to concur with Governor's amendments.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/18/2013
SR 76, **preliminary report**, be adopted. Report adopted.
HB 284, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 4/10/013
SR 31, introduced resolution, be amended as follows:

1. Page 1, line 16.
Strike: line 16 in its entirety

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 4/17/2013
SJR 38, do pass. Report adopted.
SR 72, be adopted. Report adopted.
SR 73, **preliminary report**, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/11/2013
SR 61, be adopted. Report adopted.
SR 62, be adopted. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 4/17/2013
SJR 31, introduced joint resolution, be amended as follows:

1. Page 2, line 3.
Following: "siting,"
Insert: "geologic hazards, ground water monitoring,"

2. Page 2, line 15.
Following: "Branch"
Strike: "; and"
Insert: "."

3. Page 2, line 16 through line 20.
Strike: line 16 through line 20 in their entirety

4. Page 2, line 27.
Strike: "those uses described above"
Insert: "any and all uses that may be beneficial to the State and its inhabitants"

5. Page 3, line 5.
Strike: "2015"
Insert: "2014"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 4/15/2013
SR 40, be adopted. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/10/2013
SR 49, be adopted. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 4/17/2013
HB 411, be amended as follows:

1. Title, page 1, line 5.
Following: "DESIGNATING"
Insert: "THE CENTRAL MONTANA MUSEUM IN"
Strike: "HOME"
Insert: "REPOSITORY"
Strike: "MUSEUM"
Insert: "COLLECTION"

2. Page 2, line 25.
Strike: "**home**"
Insert: "**repository**"
Strike: "**museum**"
Insert: "**collection**"
Following: "The"
Insert: "central Montana museum in the"

3. Page 2, line 26.
Strike: "home"
Insert: "repository"
Strike: "museum"
Insert: "collection"

4. Page 2, line 27.
Following: "identify the"
Insert: "central Montana museum in the"

5. Page 2, line 28.
Strike: "home"
Insert: "repository"
Strike: "museum"
Insert: "collection"

6. Page 2, line 29.
Following: "designating the"
Insert: "central Montana museum in the"

7. Page 2, line 30.
Strike: "home"
Insert: "repository"
Strike: "museum"
Insert: "collection"

And, as amended, be concurred in. Report adopted.

HB 457, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 198**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 198** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 198** (reference copy -- salmon) be amended as follows:

1. Page 1, line 18.
Following: "minor"
Strike: "UNDER 45-5-201(1)(A)"

2. Page 1, line 21.
Strike: "5"
Insert: "10"

3. Page 1, line 25.
Following: "minor"
Strike: "UNDER 45-5-201(1)(A)"

For the Senate:
Thomas, Chair
Boulanger
Tropila

For the House:
Lavin, Vice Chair
Laszloffy
Lynch

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 223**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 223** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 223** (reference copy -- salmon) be amended as follows:

1. Page 4, line 11.
Strike: ", INCLUDING TERMINATION OF FUNDING SOURCES"

2. Page 6, line 13 through line 14.
Strike: "LEGISLATION" on line 13
Insert: "language"
Strike: ", AND CHANGES" on line 13 through "ASSOCIATION" on line 14

3. Page 6, line 15.
Strike: "AND THE PROPOSED LEGISLATION"

For the Senate:
Murphy, Chair
Caferro
Webb

For the House:
Reichner, Vice Chair
Jones
Squires

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 184**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 184** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 184** (reference copy -- salmon) be amended as follows:

1. Title, page 1, lines 6 through 7.
Strike: "UNLESS THE PERSONAL TRANSACTION DIRECTLY INVOLVES THE SALESPERSON'S SUPERVISING BROKER OR REAL ESTATE FIRM"

2. Page 2, lines 1 through 2.
Strike: "UNLESS THE PERSONAL" on line 1 through "FIRM" on line 2

For the Senate:
Arntzen, Chair
Debby Barrett
Facey

For the House:
Fiscus, Vice Chair
Curtis
Kary

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 473**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 473** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 473** (reference copy -- salmon) be amended as follows:

1. Page 3, line 3.
Following: "PAYMENT"
Insert: "to the provider"

For the Senate:
Murphy, Chair
Caferro
Thomas

For the House:
Reichner, Vice Chair
Boland
Galt

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 497**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 497** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 497** (reference copy -- salmon) be amended as follows:

1. Page 1, line 20.
Following: "gatherings"
Insert: "at which a person under 21 years of age is in possession of or is consuming an alcoholic beverage"

For the Senate:
Sales, Chair
Boulanger
Jent

For the House:
White, Vice Chair
Lavin
Schreiner

MESSAGES FROM THE GOVERNOR

April 17, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Wednesday, April 17, 2013, I signed and delivered the following Senate bill to the Secretary of State:

Senate Bill 258 -Wittich

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/17/2013

SB 117, introduced by Sonju
SB 226, introduced by F. Moore
SB 231, introduced by Augare
SB 240, introduced by Tutvedt
SB 386, introduced by Facey
SB 401, introduced by Sesso

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/17/2013

SB 96, introduced by Tutvedt
SB 175, introduced by L. Jones
SB 280, introduced by Thomas
SB 282, introduced by Tutvedt
SB 369, introduced by Facey
SB 392, introduced by Kaufmann
SB 405, introduced by Olson
SB 408, introduced by Olson

Governor's amendments to **Senate bills** concurred in and returned to the Senate: 4/17/2013

SB 23, introduced by Rosendale
SB 44, introduced by Keane

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/18/2013

HB 562, introduced by Swanson

MOTIONS

Senator Wittich moved the Senate accede to the request of the House and appoint a **free** conference committee on **HB 97**. Without objection, so ordered. President Essmann appointed:

Senator Sales, Chair
Senator Jent
Senator Vincent

Senator Wittich moved the Senate accede to the request of the House and appoint a conference committee on **HB 120**. Without objection, so ordered. President Essmann appointed:

Senator Wittich, Chair
Senator Boulanger
Senator Driscoll

Senator Wittich moved the Senate accede to the request of the House and appoint a conference committee on **HB 133**. Without objection, so ordered. President Essmann appointed:

Senator Dee Brown, Chair
Senator Facey
Senator Moore

Senator Wittich moved the Senate accede to the request of the House and appoint a conference committee on **HB 277**. Without objection, so ordered. President Essmann appointed:

Senator Sales, Chair
Senator Hamlett
Senator Webb

Senator Wittich moved the Senate accede to the request of the House and appoint a conference committee on **HB 240**. Without objection, so ordered. President Essmann appointed:

Senator Moore, Chair
Senator Fielder

Senator Larsen

Senator Wittich moved the Senate accede to the request of the House and appoint a **free** conference committee on **HB 345**. Without objection, so ordered. President Essmann appointed:

Senator Wittich, Chair
Senator Fielder
Senator Jent

Senator Boulanger moved to reconsider third-reading action on **HB 574** and that **HB 574** be placed on third reading this date. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Jackson, Jones, Lewis, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Stewart-Peregoy, Taylor, Thomas, Vincent, Webb, Mr. President.
Total 26

Nays: Arntzen, Barrett Dick, Blewett, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Peterson, Sales, Sesso, Sonju, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SPECIAL ORDERS OF THE DAY

Senator Boulanger introduced the Darby Drum Line under the direction of Alex Petrusaitis. The Drum Line, comprised of students from Darby High School, entertained the Senate.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 77, introduced by Priest (by request of the Senate Public Health, Welfare, and Safety Standing Committee), referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS

(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 32 - Senator Arntzen moved **SJR 32** do pass. Motion **failed** as follows:

Yeas: Arntzen, Augare, Barrett Debby, Boulanger, Brenden, Buttrey, Fielder, Jergeson, Jones, Larsen, Lewis, Murphy, Olson, Peterson, Priest, Sonju, Stewart-Peregoy, Thomas, Vincent, Vuckovich, Webb, Windy Boy.
Total 22

Nays: Arthun, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Kaufmann, Keane, Malek, Moore, Phillips, Ripley, Rosendale, Sales, Sesso, Taylor, Tropila, Tutvedt, Van Dyk, Wanzenried, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SJR 32 - Senator F. Moore moved **SJR 32** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 39

Nays: Arntzen, Barrett Debby, Boulanger, Buttrey, Fielder, Jergeson, Sonju, Stewart-Peregoy, Thomas, Webb.
Total 10

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 55 - Senator Blewett moved **SR 55** be adopted. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 38

Nays: Arntzen, Barrett Debby, Buttrey, Fielder, Jackson, Ripley, Rosendale, Sales, Sonju, Taylor, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

Senators Sonju and Wittich excused at this time.

HB 417 - Senator Vincent moved **HB 417** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Keane, Murphy, Sesso, Vuckovich.
Total 4

Absent or not voting: None.
Total 0

Excused: Sonju, Walker, Wittich.
Total 3

Senators Sonju and Wittich present at this time.

Senator Priest excused at this time.

SB 410 - Senator Ripley moved **SB 410** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown,

Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 38

Nays: Boulanger, D. Brown, Fielder, Jackson, Moore, Sales, Sonju, Taylor, Wittich, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Priest, Walker.
Total 2

Senator Priest present at this time.

HB 74 - Senator Blewett moved **HB 74** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Murphy, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 48 - Senator Wanzenried moved **HB 48** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown.

Total 1

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

Senator Wittich moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Arntzen.
Total 1

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 509 concurred in as follows:

Yeas: Arthun, Barrett Debby, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy.
Total 30

Nays: Arntzen, Augare, Barrett Dick, D. Brown, Caferro, Jent, Jergeson, Kaufmann, Larsen, Malek, Moore, Phillips, Sales, Sonju, Tropila, Vincent, Wanzenried, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 19 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Boulanger, Brenden, D. Brown, Buttrey, Priest, Sales, Sonju, Vincent, Webb.
Total 9

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 39 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 218 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T.

Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Barrett Dick, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 377 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 454 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 521 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Windy Boy, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 21

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 556 concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 37

Nays: Arntzen, Barrett Debby, Boulanger, Jackson, Moore, Olson, Ripley, Sales, Sonju, Webb, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 603 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 626 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: D. Brown, Tutvedt.
Total 2

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 631 failed (due to 2/3 of entire Legislature vote requirement) as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 298 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, D. Brown, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 18

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 129 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.
Total 47

Nays: Brenden, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 623 concurred in as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent,

Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 27

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Webb, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

HB 574 failed (due to 2/3 of each house vote requirement) as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Lewis, Murphy, Olson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Arthun, Augare, Barrett Dick, Blewett, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Peterson, Sesso, Tropila, Van Dyk, Wanzenried.
Total 17

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SPECIAL ORDERS OF THE DAY

SR 43 - Senator T. Brown moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 43**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 46 - Senator Peterson moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 46**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Brenden, Fielder, Priest, Taylor, Vincent.
Total 5

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 48 - Senator Peterson moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 48**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Priest, Vincent, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: Walker.

Total 1

SR 51 - Senator Arthun moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 51**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Arntzen, Boulanger, Sonju.
Total 3

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 52 - Senator Arthun moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 52**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Priest, Rosendale, Taylor, Vincent.
Total 4

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 53 - Senator Arthun moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 53**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones,

Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.
Total 44

Nays: Brenden, Priest, Rosendale, Sonju, Mr. President.
Total 5

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 56 - Senator Olson moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 56**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 57 - Senator Olson moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 57**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Brenden, Lewis.
Total 2

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 59 - Senator Olson moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 59**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

SR 60 - Senator T. Brown moved that the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 60**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Walker.
Total 1

Senators Jackson and Jent made their farewell remarks to the Senate.

MOTIONS

Senator Malek moved to change her vote on **SB 623** from No to Yes. Without objection, so ordered.

Senator Wittich moved the Senate recess and reconvene at 4:30 p.m. this date. Motion carried. Senate recessed at 2:45 p.m.

Senate reconvened at 4:33 p.m. Roll Call. All members present. Quorum present.

MOTIONS

Senator Larsen moved to change his vote on **SB 623** from No to Yes. Without objection, so ordered.

Senator Wittich moved to appoint a Conference Committee on **SB 305** and request the House to appoint a like committee. Without objection, so ordered. Speaker Essmann appointed:

4/18/2013

Senator Peterson, Chair
Senator F. Moore
Senator Van Dyk

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Rosendale in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 405 - **House Amendments** - Senator Olson moved House amendments to **SB 405** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Fielder, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 408 - **House Amendments** - Senator Olson moved House amendments to **SB 408** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 96 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 96** be **not** concurred in. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Wanzenried, Webb, Windy Boy, Mr. President.
Total 33

Nays: Arntzen, Augare, Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Malek, Moore, Priest, Sales, Sonju, Taylor, Vincent, Vuckovich, Walker, Wittich.
Total 17

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 282 - **House Amendments** - Senator Tutvedt moved House amendments to **SB 282** be **not** concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 31

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Phillips, Priest, Rosendale, Sales, Sonju, Taylor, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 - **Governor's Amendments** - Senator Hamlett moved Governor's amendments to **SB 19** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 33

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Buttrey, Jones, Olson, Priest, Rosendale, Sales, Sonju, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 - **House Amendments** - Senator Windy Boy moved House amendments to **SB 342** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 280 - **House Amendments** - Senator Thomas moved House amendments to **SB 280** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 264 - **House Amendments** - Senator Arntzen moved House amendments to **SB 264** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 49

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 175 - **House Amendments** - Senator L. Jones moved House amendments to **SB 175** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Barrett Debby, D. Brown, Jackson, Moore, Rosendale, Sales, Taylor.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 369 - **House Amendments** - Senator Facey moved House amendments to **SB 369** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Phillips.
Total 1

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 265 - **House Amendments** - Senator Jackson moved House amendments to **SB 265** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 392 - **House Amendments** - Senator Kaufmann moved House amendments to **SB 392** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Phillips.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 - **House Amendments** - Senator Vincent moved House amendments to **SB 347** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson,

Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Larsen, Malek, Sesso, Stewart-Peregoy, Wanzenried.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Rosendale moved the Committee of the Whole report be adopted.

Senator Sesso moved a **substitute motion** to segregate **SB 405** and **SB 408** from the Committee of the Whole report and adopt the remainder of the report. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved the adoption of the balance of the Committee of the Whole report.

Senator Jergeson rose on a point of parliamentary procedure and explained that the effect of segregating **SB 405** and **SB 408** from the Committee of the Whole report and adopting the remainder of the report was to place **SB 405** and **SB 408** on second reading the next legislative day.

The Chair disagreed with Senator Jergeson and ruled that Senator Rosendale's motion was in order. Senator Facey objected to the ruling of the chair and requested a Rules Committee determination.

Senator Wittich moved the Senate recess for a brief period to discuss the ruling of the chair. Senate recessed for a brief period and reconvened at 5:58 p.m.

Senator Rosendale withdrew his motion.

Senator Wittich moved the Senate reconsider its action to adopt the Committee of the Whole report with **SB 405** and **SB 408** segregated. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Rosendale moved adoption of the Committee of the Whole report.

Senator Sesso moved a **substitute motion** to segregate **SB 405** and **SB 408** from the Committee of the Whole report and adopt the remainder of the report. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Thereupon, the Senate reverted back to the original motion of Senator Rosendale which carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Hamlett moved that the Senate suspend its rules to accept late transmittal of House amendments to **SB 201** and that **SB 201** be placed on second reading the next legislative day. The motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Brenden, Malek, Ripley, Sales.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved to appoint a **Free** Conference Committee on **SB 342** and request the

House to appoint a like committee. Without objection, so ordered. President Essmann appointed:

4/18/2013

Senator Lewis, Chair
Senator Arntzen
Senator Windy Boy

Senator Wittich moved to appoint a **Free** Conference Committee on **SB 96** and request the House to appoint a like committee. Without objection, so ordered. President Essmann appointed:

4/18/2013

Senator Tutvedt, Chair
Senator Phillips
Senator Thomas

Senator Wittich moved to appoint a **Free** Conference Committee on **SB 282** and request the House to appoint a like committee. Without objection, so ordered. President Essmann appointed:

4/18/2013

Senator Thomas, Chair
Senator Phillips
Senator Tutvedt

Senator Arntzen moved to reconsider the indefinite postponement of **SJR 32**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, Buttrey, Fielder, Hamlett, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Thomas, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich.
Total 26

Nays: Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Jackson, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Wanzenried, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, April 19, 2013, the eighty-third legislative day. Motion carried.

Senate adjourned at 6:16 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 19, 2013 — State Capitol

Senate convened at 1:01 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/19/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the seventy-first through seventy-fifth legislative days, find the same to be correct.

Correctly printed: **SB 410**, **SJR 38**, **SR 40**, **SR 49**, **SR 55**, **SR 61**, **SR 62**, **SR 72**, **SR 77**, **HB 48**, **HB 74**, **HB 284**, **HB 417**, **HB 457**.
Correctly enrolled: **SB 23**, **SB 44**, **SB 370, SJR 14**, **SJR 15**, **SJR 20**, **SJR 22, SJR 23, SJR 24, SR 43**, **SR 46**, **SR 48**, **SR 51**, **SR 52**, **SR 53**, **SR 56**, **SR 57**, **SR 59**, **SR 60**.
Examined by the sponsor and found to be correct: **SB 23**, **SB 44**, **SB 117**, **SB 162**, **SB 196**, **SB 217**, **SB 226**, **SB 231**, **SB 240**, **SB 386**, **SB 401**, **SJR 14**, **SJR 15**, **SJR 20**, **SJR 23**, **SR 46**, **SR 48**, **SR 56**, **SR 57**, **SR 59**.
Signed by the Secretary of the Senate at 4:25 p.m., April 18, 2013: **SB 28**, **SB 108**, **SB 355**.
Signed by the President at 10:15 a.m., April 19, 2013: **SB 28**, **SB 108**, **SB 355**.
Delivered to the Secretary of State at 9:36 a.m., April 19, 2013: **SR 32**, **SR 63**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 4/18/2013
HJR 26, be concurred in. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/12/2013
SR 64, be adopted. Report adopted.
SR 65, be adopted. Report adopted.
SR 66, be adopted. Report adopted.

HIGHWAYS AND TRANSPORTATION (Arntzen, Chair): 4/19/2013
SR 75, be adopted. Report adopted.

JUDICIARY (Murphy, Chair): 4/16/2013
SR 67, be adopted. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/19/2013
SR 74, **preliminary report**, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 256**
Report No. 001, April 19, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 256** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 256** (reference copy -- salmon) be amended as follows:

1. Page 3, line 19.
Strike: "ENTERING"
Insert: "migrating into"

2. Page 6, line 7.
Strike: "ENTERING"
Insert: "migrating into"

For the Senate:
Moore, Chair
Hamlett
Sales

For the House:
Randall, Vice Chair
Peppers
Redfield

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 100**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 100** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 100** (reference copy -- salmon) be amended as follows:

1. Page 1, line 26.
Strike: "FIXED-FEE"
Insert: "cost-and-benefit-based incentive"

Strike: "NOT TO EXCEED $300 PER MONTH"
Insert: "in an amount approved by the 2015 legislature"

2. Page 2, line 6.
Strike: "FIXED-FEE"
Insert: "cost-and-benefit-based incentive"

3. Page 2, line 7.
Strike: "AND"

4. Page 2, line 8.
Strike: "."
Insert: "; (iii) integration and coordination of care;

(iv) the development and use of individualized treatment plans; and

(v) efforts to ensure recovery and permanent placement for children who are receiving medicaid mental health services or who are in foster care under the supervision of the state.

(4) The legislature shall review the results of the pilot project to determine whether:

(a) the project should be continued or expanded; and

(b) modifications are needed before the pay-for-performance model is expanded to include additional children, providers, or services."

5. Page 3, line 14.
Strike: "NINE"
Insert: "14"

6. Page 3, line 15.
Strike: "THREE"
Insert: "eight"

7. Page 3, line 23.
Strike: "ONE PROVIDER"
Insert: "three providers"

8. Page 3, line 24.
Strike: "ONE"
Insert: "three"

9. Page 3, line 25.
Strike: "AND"
Insert: "(b) two family members of children who have received medicaid mental health services;

(c) one representative of the Montana university system who has experience in measuring outcomes for children; and"

10. Page 3, line 30.
Strike: "(B)"

Insert: "(d)"

11. Page 4, line 22.
Strike: "FIXED-FEE"
Insert: "cost-and-benefit-based incentive"

12. Page 4, line 22 through line 23.
Strike: "NOT TO EXCEED" on line 22 through "MONTH" on line 23
Insert: "that is formulated using performance-based and cost-and benefit-based analysis principles"

For the Senate:
Thomas, Chair
Jergeson
Priest

For the House:
Ehli, Vice Chair
Hagstrom
Noonan

FREE CONFERENCE COMMITTEE
on **House Bill 297**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 297** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 297** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.
Following: "AUTHORITY;"
Insert: "AMENDING SECTION 1-1-411, MCA;"

2. Page 6, following line 3.
Insert: "Section 8. Section 1-1-411, MCA, is amended to read:

"1-1-411. Certain state services denied to ~~illegal~~ unauthorized aliens. (1) To the extent allowed by federal law and the Montana constitution and notwithstanding any other state law, a state agency may not provide a state service to an ~~illegal~~ unauthorized alien and shall comply with the requirements of this section.

(2) To determine whether an applicant for a state service is an ~~illegal~~ unauthorized alien, the agency may use the systematic alien verification for entitlements program provided by the United States department of homeland security or any other lawful method of making the determination.

(3) A state agency shall notify appropriate personnel in immigration and customs enforcement under the United States department of homeland security or its successor of any ~~illegal~~ unauthorized alien applying for a state service.

(4) An agency shall require a person seeking a state service to provide proof of United States citizenship or legal alien status.

(5) A state agency shall execute any written agreement required by federal law to implement this section.

(6) As used in this section, the following definitions apply:

(a) "Agency" means a department, board, commission, committee, authority, or office of the legislative or executive branches of state government, including a unit of the Montana university system.

(b) ~~"Illegal~~ "Unauthorized alien" means an individual who is not a citizen of the United States and who ~~has unlawfully entered or remains unlawfully in the United States~~ is not a "qualified alien" pursuant to 8 U.S.C. 1641.

(c) "State service" means a payment of money, the grant of a state license or permit, or the provision of another valuable item or service under any of the following programs and provisions of law:

(i) employment with a state agency;

(ii) qualification as a student in the university system for the purposes of a public education, as provided in 20-25-502;

(iii) student financial assistance, as provided in Title 20, chapter 26;

(iv) issuance of a state license or permit to practice a trade or profession, as provided in Title 37;

(v) unemployment insurance benefits, as provided in Title 39, chapter 51;

(vi) vocational rehabilitation, as provided in Title 53, chapter 7;

(vii) services for victims of crime, as provided in Title 53, chapter 9;

(viii) services for the physically disabled, as provided in Title 53, chapter 19, parts 3 and 4;

(ix) a grant, as provided in Title 90.""

Renumber: subsequent sections

For the Senate:
Sonju, Chair
Dee Brown
Vuckovich

For the House:
Howard, Vice Chair
Eck
Lenz

FREE CONFERENCE COMMITTEE
on **House Bill 345**
Report No. 001, April 18, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 345** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 345** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 8.

Following: ";"
Insert: "PROVIDING A REPORTING REQUIREMENT;"

2. Page 2, line 21.
Strike: "$6,000"
Insert: "$5,500"

3. Page 2, line 22.
Strike: "$12,000"
Insert: "$11,000"

4. Page 3, line 19.
Strike: "$6,000"
Insert: "$5,500"
Strike: "$12,000"
Insert: "$11,000"

5. Page 5
Following: line 11
Insert: "(8) The amount of the civil penalty set forth in subsections (1) and (2) must be adjusted for inflation in a manner consistent with the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410."
Renumber: subsequent subsection

6. Page 9, line 2.
Following: line 2

"NEW SECTION. **Section 7. Reporting.** Beginning February 15, 2014, and by February 15 of each year, the attorney general shall submit to the law and justice interim committee a report containing the following information:

(1) the number of cases filed under the Montana False Claims Act, Title 17, chapter 8, part 4, that were pending in the state during the previous calendar year;

(2) the number of cases filed under the Montana False Claims Act that were settled during the previous calendar year;

(3) the number of cases filed under the Montana False Claims Act in which judgment was entered during the previous calendar year;

(4) the total proceeds paid to the state and the total proceeds paid to the qui tam plaintiffs in cases filed under the Montana False Claims Act during the previous calendar year; and

(5) the number of qui tam cases pending in other jurisdictions involving the state in the previous calendar year."
Renumber: subsequent sections

For the Senate:
Wittich, Chair
Fielder
Jent

For the House:
C. Smith, Vice Chair
Fitzpatrick
Steenberg

MESSAGES FROM THE GOVERNOR

April 18, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Thursday, April 18, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 88 - Dick Barrett
Senate Bill 107 - Facey
Senate Bill 245 - Arthun
Senate Bill 278 - Peterson
Senate Bill 306 - Olson

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/18/2013
SB 370, introduced by Essmann

Senate joint resolutions concurred in and returned to the Senate: 4/18/2013
SJR 14, introduced by Olson
SJR 15, introduced by Fielder
SJR 20, introduced by Webb
SJR 22, introduced by Jent
SJR 23, introduced by Tutvedt
SJR 24, introduced by Buttrey

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/18/2013
SB 173, introduced by Keane

Governor's amendments to **Senate bill not** concurred in, returned to the Senate: 4/18/2013
SB 105, introduced by T. Brown

Senate bill not concurred in and returned to the Senate: 4/17/2013
SB 143, introduced by Brenden

House joint resolutions passed and transmitted to the Senate for concurrence: 4/18/2013
HJR 25, introduced by Reichner
HJR 27, introduced by Williams
HJR 29, introduced by Gursky
HJR 30, introduced by Hansen

Senate amendments to House bills concurred in: 4/18/2013
HB 363, introduced by Berry
HB 582, introduced by Hertz
HB 583, introduced by Cook

Governor's amendments to **House bill not** concurred in and transmitted to the Senate for consideration of Governor's amendments: 4/18/2013
HB 8, introduced by Cook

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/17/2013
HB 562, introduced by Swanson

MOTIONS

Senator Wittich moved the Conference Committee on **SJR 18** be dissolved and that a **Free** Conference Committee be appointed. Without objection, so ordered. President Essmann appointed:

4/19/2013

Senator Thomas, Chair
Senator Dick Barrett
Senator Rosendale

Senator Wittich moved the Conference Committee on **HB 120** be dissolved and that a **Free** Conference Committee be appointed. Motion Carried. President Essmann appointed:

4/19/2013

Senator Wittich, Chair
Senator Boulanger
Senator Malek

Senator Vincent moved consideration of **SR 40** be passed to Monday, April 22, 2013, the eighty-fifth legislative day. Without objection, so ordered.

Senator Priest moved consideration of **SR 49** be passed to Monday, April 22, 2013, the eighty-fifth legislative day. Without objection, so ordered.

Senator Webb moved to suspend the rules to allow for reconsideration of **HB 251**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 36

Nays: Augare, Barrett Debby, Fielder, Moore, Priest, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Walker, Wittich, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 25, introduced by Reichner, referred to Business, Labor, and Economic Affairs.
HJR 27, introduced by Williams, referred to Natural Resources.
HJR 29, introduced by Gursky, Arntzen, Laszloffy, referred to Judiciary.
HJR 30, introduced by Hansen, referred to Education and Cultural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senator Wanzenried excused at this time.

SR 55 adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 42

Nays: Barrett Debby, Fielder, Ripley, Rosendale, Sales, Taylor, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

HB 417 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Keane, Murphy.
Total 2

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 410 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy.
Total 38

Nays: Arntzen, Boulanger, D. Brown, Fielder, Moore, Sales, Sonju, Vincent, Walker, Wittich, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

HB 74 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Murphy, Sales.
Total 2

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

HB 48 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 405, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.

Total 20

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 408, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 19, **as amended by the Governor**, passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Taylor, Tropila, Vincent, Vuckovich, Windy Boy.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, D. Brown, Buttrey, Driscoll, Olson, Rosendale, Sales, Sonju, Thomas, Tutvedt, Van Dyk, Walker, Webb, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

SB 280, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

Senator Wanzenried present at this time.

SB 264, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 41

Nays: Fielder, Priest, Sales, Sesso, Van Dyk, Vincent, Walker, Wittich, Mr. President.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 175, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Brenden, D. Brown, Sales, Webb.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 369, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Phillips.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 392, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Moore, Phillips, Walker.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 39

Nays: Barrett Dick, Caferro, Driscoll, Facey, Kaufmann, Larsen, Malek, Sesso, Stewart-Peregoy, Wanzenried, Windy Boy.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brenden in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 29 - Senator Phillips moved **SJR 29** do pass. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 599 - Senator Webb moved **HB 599** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Boulanger, D. Brown, Buttrey, Fielder, Jent, Jones, Lewis, Moore, Murphy, Olson, Priest, Rosendale, Sonju, Taylor, Walker, Webb.
Total 18

Nays: Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 599 - Senator Keane moved **HB 599** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Arntzen, D. Brown, Fielder, Priest, Walker, Webb.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Thomas excused at this time.

SJR 33 - Senator Ripley moved **SJR 33** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 44

Nays: Blewett, Jergeson, Kaufmann, Keane, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

HB 205 - Senator Vincent moved **HB 205** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Paired: Thomas, Aye; Wanzenried, No.

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 555 - Senator Murphy moved **HB 555** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Caferro, Kaufmann, Keane.
Total 3

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SB 201 - **House Amendments** - Senator Hamlett moved House amendments to **SB 201** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Brenden moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Larsen, Sesso, Stewart-Peregoy.
Total 3

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

SPECIAL ORDERS OF THE DAY

SR 31 - Senator Peterson moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 31**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Thomas.
Total 1

Senator Priest excused at this time.

SR 61 - Senator Arntzen moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 61**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips,

Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Thomas.
Total 2

SR 62 - Senator Arntzen moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 62**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Thomas.
Total 2

SR 72 - Senator Peterson moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 72**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Priest, Thomas.
Total 2

Senator Taylor thanked the Pages for their service this week.

Senators Lewis and Murphy made their farewell remarks to the Senate.

MOTIONS

Senator Debby Barrett moved to change her vote on **SB 175** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Saturday, April 20, 2013, the eighty-fourth legislative day . Motion carried.

Senate adjourned at 2:28 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 20, 2013 — State Capitol

Senate convened at 8:02 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Augare, L. Jones, Sales, and Vincent, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/20/2013

Correctly printed: **SJR 29**, **SJR 33**, **SR 64**, **SR 65**, **SR 66**, **SR 67**, **SR 75**, **HB 251**, **HB 555**, **HJR 26**.
Correctly engrossed: **HB 205**.
Correctly enrolled: **SB 347**.
Transmitted to the House: **SB 410**, **SJR 29**, **SJR 33**, **HB 48**, **HB 74**, **HB 205**, **HB 417**, **HB 555**.
Examined by the sponsor and found to be correct: **SB 370**, **SJR 22**, **SJR 24**, **SR 43**, **SR 51**, **SR 52**, **SR 53**, **SR 60**.
Signed by the Secretary of the Senate at 4:25 p.m., April 18, 2013: **SB 28**, **SB 108**, **SB 355**.
Signed by the President at 10:15 a.m., April 19, 2013: **SB 28**, **SB 108**, **SB 355**.
Signed by the Speaker at 4:00 p.m., April 19, 2013: **SB 108**, **SB 355**.
Signed by the Speaker at 4:10 p.m., April 19, 2013: **SB 31**, **SB 178**, **SB 203**.
Signed by the Speaker at 7:30 a.m., April 20, 2013: **SB 28**.
Signed by the Secretary of the Senate at 8:30 a.m., April 20, 2013: **SB 347**.
Signed by the President at 8:35 a.m., April 20, 2013: **SB 347**.
Signed by the Speaker at 8:40 a.m., April 20, 2013: **SB 347**.
Delivered to the Governor at 8:45 a.m., April 20, 2013: **SB 347**.
Delivered to the Governor at 10:20 a.m., April 20, 2013: **SB 28**, **SB 31**, **SB 108**, **SB 178**, **SB 203**, **SB 355**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 4/19/2013
HJR 22, be concurred in. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 4/19/2013
SB 335, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/19/2013
SR 77, **preliminary report**, be adopted. Report adopted.

STATE ADMINISTRATION (Arthun, Chair): 4/19/2013
HJR 21, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 342**
Report No. 001, April 20, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered House amendments to **Senate Bill 342** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 342** (reference copy -- salmon) be amended as follows:

1. Page 2, line 14 through line 28.
Strike: subsections (3) and (4) in their entirety
Renumber: subsequent subsections

2. Page 3, line 5.
Strike: "(8)"
Insert: "(6)"
3. Page 3, line 9 through line 10.
Strike: "attainment" on line 9 through "and" on line 10

4. Page 3, line 10.
Following: "progress"
Insert: ", and other criteria determined by the state-tribal economic development commission pursuant to subsection (2)(a)"

5. Page 4, following line 14.
Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If both House Bill No. 2 and [this act] are passed and approved and if House Bill No. 2 contains an appropriation for native language preservation, then [section 2 of this act] is void."
Renumber: subsequent sections

For the Senate:
Lewis, Chair
Arntzen
Windy Boy

For the House:
Hollandsworth, Vice Chair
Brockie
Salomon

FREE CONFERENCE COMMITTEE
on **House Bill 97**
Report No. 001, April 19, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 97** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 97** (reference copy -- salmon) be amended as follows:
1. Title, page 1, line 10 through line 13.
Strike: "PROVIDING" on line 10 through "SYSTEMS;" on line 13

2. Page 9, line 7 through line 8.
Strike: "(VI)" through "125;"
Renumber: subsequent subsection

3. Page 10, line 11 through line 12.
Strike: subsection (B) in its entirety
Renumber: subsequent subsection

4. Page 11, line 2 through line 3.
Strike: "(II)" on line 2 through "125;" on line 3
Renumber: subsequent subsection

5. Page 12, line 3 through line 4.
Strike: "(II)" on line 3 through "125;" on line 4
Renumber: subsequent subsection

6. Page 13, line 10 through line 11.
Strike: "(II)" on line 10 through "125;" on line 11
Renumber: subsequent subsection

7. Page 14, line 17 through line 18.
Strike: "(III)" on line 17 through "125;" on line 18
Renumber: subsequent subsection

8. Page 16, line 7 through line 8.
Strike: "(III)" on line 7 through "125;" on line 8
Renumber: subsequent subsection

For the Senate:
Sales, Chair
Jent
Vincent

For the House:
Wilmer, Vice Chair
Blyton
Lenz

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 277**
Report No. 001, April 19, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 277** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 277** (reference copy -- salmon) be amended as follows:
1. Page 1, line 25.
Following: "~~period~~"
Insert: "in any 24-year period"

2. Page 1, line 26.
Following: "~~both~~"
Insert: ", whether as a state representative or as a state senator, or both"

For the Senate:
Sales, Chair
Hamlett
Webb

For the House:
McChesney, Vice Chair
Greef
Hansen

MESSAGES FROM THE GOVERNOR

April 19, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Essmann:

On Friday, April 19, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 209 - Arthun
Senate Bill 271 - Thomas

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

SB 96 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 96:**

4/19/2013

Representative G. Bennett, Vice Chair
Representative Lavin
Representative McClafferty

SB 282 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 282:**

4/19/2013

Representative Osmundson, Vice Chair
Representative Coffin
Representative Hansen

SB 305 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 305:**

4/19/2013

Representative Randall, Vice Chair
Representative Lang
Representative Pease-Lopez

SB 342 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 342:**

4/19/2013

Representative Hollandsworth, Vice Chair
Representative Brockie
Representative Salomon

HB 298 - The House failed to reach a two-thirds vote to accept **HB 298**, an appropriation bill amended by the Senate and transmitted beyond the deadline for appropriation bills. 4/19/2013

MOTIONS

Senator Wittich moved that the Senate, in accordance with Senate rule S60-10, amend rule S50-220 concerning the Call of the Senate. President Essmann, as required under S60-10, referred the motion to the Rules Committee.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Priest in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 284 - Senator Debby Barrett moved **HB 284** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jergeson, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Vuckovich, Webb, Mr. President.
Total 27

Nays: Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Facey, Jent, Kaufmann, Malek, Olson, Phillips, Ripley, Tropila, Tutvedt, Van Dyk, Walker, Wanzenried, Windy Boy, Wittich.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

SJR 31 - Senator Phillips moved **SJR 31** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 30

Nays: Boulanger, Brenden, Buttrey, Jackson, Lewis, Murphy, Olson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Walker, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

HB 457 - Senator Webb moved **HB 457** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 27

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Hamlett, Jackson, Keane, Lewis, Moore, Priest, Ripley, Sesso, Sonju, Taylor, Thomas, Walker, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

HB 497 - Senator F. Moore moved consideration of **HB 497** be passed for the day. Without objection, so ordered.

SB 69 - **House Amendments** - Senator Walker moved House amendments to **SB 69** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

SJ 32 - Senator Arntzen moved consideration of **SJ 32** be passed for the day. Without objection, so ordered.

HB 301 - **Conference Committee Report No. 1** - Senator F. Moore moved the Conference Committee report to **HB 301** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Larsen, Moore, Murphy,

Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 36

Nays: Brenden, D. Brown, Fielder, Keane, Lewis, Malek, Walker, Webb, Wittich, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

HB 395 - **Conference Committee Report No. 1** - Senator T. Brown moved the Conference Committee report to **HB 395** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

Senator Tutvedt excused at this time.

SJR 38 - Senator Windy Boy moved **SJR 38** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 38

Nays: Boulanger, Brenden, Fielder, Jackson, Ripley, Rosendale, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Tutvedt, Vincent.
Total 5

Senator Tutvedt present at this time.

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Priest moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Sonju, Tropila, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

MOTIONS

Senator Ripley moved **HB 284** be re-referred to the Finance and Claims committee. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, T. Brown, Buttrey, Driscoll, Facey, Fielder, Jackson, Jent, Kaufmann, Malek, Olson, Phillips, Ripley, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.
Total 24

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Caferro, Hamlett, Jergeson, Keane, Larsen, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sesso, Sonju, Taylor, Thomas, Webb, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 29 passed as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Nays: Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Lewis, Moore, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

SJR 33 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Jent, Jergeson, Kaufmann, Keane, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

HB 205 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 28

Nays: Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 19

Paired: Jones, Aye; Keane, No.

Absent or not voting: None.
Total 0

Excused: Augare, Sales, Vincent.
Total 3

HB 555 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Caferro, Kaufmann, Keane.
Total 3

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

SB 201, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Augare, Jones, Sales, Vincent.
Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 3:30 p.m., Monday, April 22, 2013, the eighty-fifth legislative day. Motion carried.

Senate adjourned at 8:53 a.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 22, 2013 — State Capitol

Senate convened at 3:33 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Brenden, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/22/2013

Correctly printed: **SJR 31**, **SJR 38**, **HJR 21**, **HJR 22**.
Correctly engrossed: **HB 457**.
Correctly enrolled: **SB 175**, **SB 201**, **SB 264**, **SB 265**, **SB 280**, **SB 369**, **SB 392**, **SB 405**, **SB 408**, **SJR 26**, **SR 31**, **SR 55**, **SR 61**, **SR 62**, **SR 72**.
Examined by the sponsor and found to be correct: **SB 175**, **SB 201**, **SB 264**, **SB 265**, **SB 280**, **SB 369**, **SB 392**, **SB 405**, **SB 408**, **SR 31**, **SR 55**, **SR 61**, **SR 62**, **SR 72**.
Transmitted to the House: **SJR 31**, **SJR 38**, **HB 457**.
Signed by the Secretary of the Senate at 2:10 p.m., April 22, 2013: **SB 23**, **SB 44**, **SB 117**, **SB 162**, **SB 196**, **SB 217**, **SB 226**, **SB 231**, **SB 240**, **SB 370**, **SB 386**, **SB 401**, **SJR 14**, **SJR 15**, **SJR 20**, **SJR 22**, **SJR 23**, **SJR 24**, **SR 43**, **SR 46**, **SR 48**, **SR 51**, **SR 52**, **SR 53**, **SR 56**, **SR 57**, **SR 59**, **SR 60**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/18/2013
SR 76, be adopted. Report adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair): 4/22/2013
HJR 25, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 4/17/2013
SR 73, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair): 4/22/2013
HJR 30, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair): 4/19/2013
SR 74, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 133**
Report No. 001, April 20, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 133** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 133** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 23.
Following: "~~INSPECTOR;~~"
Insert: "REVISING QUALIFICATIONS FOR A CRANE INSPECTOR;"

2. Title, page 1, line 30.
Strike: "AND"
Following: "~~50-76-110,~~"
Insert: "AND 50-76-110,"

3. Page 2, line 28.
Strike: "three"
Insert: "two"

4. Page 3.
Following: line 2
Insert: "(b) one member who possesses a current audiologist license issued under Title 37, chapter 15, and has a master's level college degree;"
Renumber: subsequent subsections

5. Page 58.
Following: line 4
Insert: "Section 55. Section 50-76-110, MCA, is amended to read:

"50-76-110. Crane inspector -- qualifications -- inspections. (1) The department shall employ at least one crane inspector. A crane inspector must have a minimum of 3 years of experience as a licensed third-class crane and hoist engineer ~~operating cranes and must have been licensed for at least 1 year as a first-class crane and hoist engineer~~.

(2) The department may adopt by rule applicable operating and safety standards established by the American national standards institute.

(3) A crane inspector may require that a crane, hoist, or other equipment subject to this chapter that is not being operated in compliance with an operating or safety standard adopted by rule pursuant to subsection (2) be declared to be out of service and that the crane, hoist, or other equipment not be operated until the noncompliance is cured.""

Renumber: subsequent sections

For the Senate:
D. Brown, Chair
Facey
F. Moore

For the House:
Berry, Vice Chair
Boland
Lang

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 431**
Report No. 001, April 20, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 431** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 431** (reference copy -- salmon) be accepted by the House.

For the Senate:
Olson, Chair
Tropila
Walker

For the House:
Knudsen, Vice Chair
Doane
McNally

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 4/20/2013
SJR 26, introduced by Arntzen

MOTIONS

Senator Wittich moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 218**. Without objection, so ordered. President Essmann appointed: 4/22/2013

Senator Rosendale, Chair
Senator F. Moore
Senator Stewart-Peregoy

Senator Keane moved that **HB 633** be taken from Finance and Claims and brought before the Committee of the Whole the next legislative day. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sesso, Sonju,

Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 28

Nays: Arthun, D. Brown, T. Brown, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 173 - Senator Wittich moved consideration of **SB 173** be placed at the top of the second reading board. Without objection, so ordered.

HB 8 - Senator Wittich moved consideration of **HB 8** be passed for the day. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion Carried. Senator Boulanger in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 173 - **House Amendments** - Senator Keane moved House amendments to **SB 173** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden.

Total 1

HB 262 - Senator Jergeson moved **HB 262** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

HB 411 - Senator D. Brown moved **HB 411** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Barrett Dick, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

SB 101 - **Free Conference Committee Report No. 1** - Senator Facey moved the Free Conference Committee report to **SB 101** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk,

Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

HB 184 - **Conference Committee Report No. 1** - Senator Arntzen moved the Conference Committee report to **HB 184** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

Senator Wittich moved the committee **rise, report progress, and beg leave to sit again**. Motion Carried. Committee arose. Senate resumed. President Essmann presiding. Chair Boulanger moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Blewett, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

MOTIONS

Senator Wittich moved the Conference Committee on **HB 240** be dissolved and that a **Free** Conference Committee be appointed. Without objection, so ordered. President Essmann appointed:

4/22/2013

Senator F. Moore, Chair
Senator Fielder
Senator Larsen

Senator Wittich moved to appoint a **Free** Conference Committee on **SB 173** and request the House to appoint a like committee. Without objection, so ordered. President Essmann appointed:

4/22/2013

Senator Sonju, Chair
Senator D. Brown
Senator Keane

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion Carried. Senator Boulanger in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 100 - **Conference Committee Report No. 1** - Senator Thomas moved the Conference Committee report to **HB 100** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

HB 297 - **Free Conference Committee Report No. 1** - Senator Sonju moved the Free Conference Committee report to **HB 297** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

HB 345 - **Free Conference Committee Report No. 1** - Senator Wittich moved the Free Conference Committee report to **HB 345** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Blewett, Kaufmann, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: Brenden.
Total 1

Senator Blewett excused at this time.

SB 256 - **Conference Committee Report No. 1** - Senator F. Moore moved the Conference Committee report to **SB 256** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

Senator Wittich moved the committee **rise and report**. Motion Carried. Committee arose. Senate resumed. President Essmann presiding. Chair Boulanger moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 31 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, T. Brown, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Boulanger, D. Brown, Buttrey, Jackson, Lewis, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

HB 457 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.
Total 31

Nays: Arntzen, Boulanger, D. Brown, Fielder, Hamlett, Jackson, Keane, Moore, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

SB 69, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

HB 301, Conference Committee Report No. 1, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.
Total 38

Nays: D. Brown, Fielder, Keane, Lewis, Priest, Sales, Sonju, Vincent, Walker, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

HB 395, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

SJR 38 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek,

Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 40

Nays: Barrett Debby, Fielder, Jackson, Ripley, Rosendale, Sales, Thomas, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 148**
Report No. 001, April 22, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 148** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 148** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.
Strike: "EQUAL"
Insert: "up"

For the Senate:
L. Jones, Chair
Hamlett
Sonju

For the House:
Fitzpatrick, Vice Chair
Curtis
Hagan

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 305**
Report No. 001, April 22, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 305** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 305** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.
Strike: "OR CONTROLLED"

2. Page 3, line 7.
Strike: "OR CONTROLLED"

3. Page 6, line 15.
Strike: "OR CONTROLLED"

For the Senate:
Peterson, Chair
F. Moore
Van Dyk

For the House:
Randall, Vice Chair
Lang
Pease-Lopez

SPECIAL ORDERS OF THE DAY

SR 40 - Senator Vincent moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 40**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Murphy, Priest, Ripley, Sales, Sonju, Taylor, Thomas, Webb, Wittich, Mr. President.
Total 18

Paired: Blewett, Olson, Aye; Brenden, Moore, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 49 - Senator Priest moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 49**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

SR 64 - Senator Sonju moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 64**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

SR 65 - Senator Sonju moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 65**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown,

Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 46

Nays: Buttrey, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

SR 66 - Senator Sonju moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 66**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

SR 67 - Senator Murphy moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 67**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

SR 75 - Senator Arntzen moved the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 75**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: Blewett, Brenden.
Total 2

Senator Taylor introduced the Pages for the week:

Keenan Earley, Helena, sponsored by Senator Kaufmann
Hans Harris, Helena, sponsored by Senator Driscoll
Derek Lund, Helena, sponsored by Senator Brenden
Hailey Miller, Helena, sponsored by Senator Essmann

Senators Peterson and Tropila gave their farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 9:00 a.m., Tuesday, April 23, 2013, the eighty-sixth legislative day. Motion carried.

Senate adjourned at 5:17 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 23, 2013 — State Capitol

Senate convened at 9:03 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/23/2013

Correctly printed: **SR 58**, **SR 68**, **SR 69**, **SR 70**, **SR 73**, **SR 74**, **SR 76**, **SR 77**, **HB 262**, **HB 284**, **HB 411**, **HB 633**, **HJR 25**, **HJR 30**.
Correctly engrossed: **HB 633**.
Correctly enrolled: **SB 69**, **SB 101**, **SB 256**, **SR 40**, **SR 49**, **SR 64**, **SR 65**, **SR 66**, **SR 67**, **SR 73**, **SR 74**, **SR 75**, **SR76**.
Examined by the sponsor and found to be correct: **SB 69**, **SB 101**, **SB 256, SJR 26**, **SR 40**, **SR 49**, **SR 64**, **SR 65**, **SR 66**, **SR 67**, **SR 73**, **SR 74**, **SR 75**, **SR 76**.
Transmitted to the House: **HB 262**, **HB 411**.
Signed by the Secretary of the Senate at 7:40 a.m., April 23, 2013: **SB 175**, **SB 405**, **SB 408**.
Signed by the President at 8:30 a.m., April 23, 2013: **SB 175**, **SB 405**, **SB 408**.
Signed by the Secretary of the Senate at 7:40 a.m., April 23, 2013: **SB 175**, **SB 201**, **SB 264**, **SB 265**, **SB 280**, **SB 369**, **SB 392**, **SB 405**, **SB 408**, **SJR 26**, **SR 31**, **SR 55**, **SR 61**, **SR 62**, **SR 72**.
Signed by the Secretary of the Senate at 2:50 p.m., April 23, 2013: **SB 69**, **SR 40**, **SR 49**, **SR 64**, **SR 65**, **SR 66**, **SR 67**, **SR 75**.
Signed by the Speaker at 8:55 a.m., April 23, 2013: **SB 405**, **SB 408**.
Delivered to the Secretary of State at 9:40 a.m., April 23, 2013: **SB 405**, **SB 408**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Brown, Chair): 4/17/2013
SB 215, **as amended by the House**, do pass. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Olson, Chair): 4/18/2013
SR 58, do **not** be adopted. Report adopted.

NATURAL RESOURCES (Vincent, Chair): 4/19/2013
SB 335, **as amended by the House**, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Priest, Chair): 4/19/2013
SR 77, be adopted. Report adopted.

Senator Jergeson rose on a point of parliamentary procedure and discussed rules related to adverse committee reports.

Senate recessed for a brief period while rules were discussed. President Essmann reported that Senate rule S70-30 requires **SR 58** to come to the floor the next legislative day under order of business No. 11, Special Orders of the Day. The adoption of the committee report is not the final disposition of **SR 58**.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Joint Resolution 18**
Report No. 001, April 22, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Joint Resolution 18** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 18** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Strike: "ANNUALLY PRODUCE A BALANCED BUDGET,"
Insert: "ACCOMPLISH A BALANCED BUDGET WITHIN 10 YEARS AND"

2. Title, page 1, line 8.
Strike: "<u>,</u> AND REDUCE THE NATIONAL DEBT"

3. Page 2, line 1.
Following: "<u>PATH</u>"
Strike: "<u>, CREATING UNPRECEDENTED DEBT, HINDERING JOB CREATION,</u>"
Strike: "<u>THREATENING</u>"
Insert: "threaten"

4. Page 2, line 2.
Strike: "<u>WITH A BLEAK FUTURE</u>"

5. Page 2, line 7.
Strike: "<u>IN 2011</u>"
Insert: "has"
Following: "<u>CEILING</u>"

Insert: "79 times since 1960"

6. Page 2, line 14.
Strike: "WHO HAVE NO SAY IN THE DECISIONMAKING PROCESS"

7. Page 2, line 15.
Strike: "OUR"
Insert: "massive amounts of federal"

8. Page 2, line 18 through line 19.
Strike: line 18 through line 19 in their entirety

9. Page 2, line 30 through page 3, line 1.
Strike: "; A BUDGET IS NOT ONLY A CONSTITUTIONAL REQUIREMENT, IT IS A FUNDAMENTAL RESPONSIBILITY AND A REFLECTION OF PRINCIPLES AND VISION"

10. Page 3, line 7 through line 9.
Strike: "must" on line 7 through "debt" on line 9
Insert: "reduces annual deficit spending and accomplishes a balanced budget within 10 years"

For the Senate:
Thomas, Chair
Dick Barrett
Rosendale

For the House:
Halvorson, Vice Chair
Howard
McCarthy

MESSAGES FROM THE GOVERNOR

April 22, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Monday, April 22, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 106 - Jergeson
Senate Bill 112 - Blewett
Senate Bill 161 - Tropila
Senate Bill 199 - Thomas
Senate Bill 207 - Van Dyk

Senate Bill 251 - Wittich
Senate Bill 292 - Tutvedt
Senate Bill 340 - Brenden
Senate Bill 351 - Olson
Senate Bill 361 - Tutvedt

I am returning **Senate Bill 337** - Hamlett with amendments.

I have vetoed **Senate Bill 147** - Buttrey and **Senate Bill 366** - Arthun.

I have returned **Senate Bill 43** - Wittich to the Secretary of State without signature.

Sincerely,

STEVE BULLOCK
Governor

April 22, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return **with amendments Senate Bill 337** (SB 337), "AN ACT CLARIFYING THE DEFINITION OF "GOOD CAUSE SHOWN" FOR A HEARING ON A TEMPORARY PRELIMINARY DECREE OR PRELIMINARY DECREE; AND AMENDING SECTION 85-2233, MCA."

SB 337 amends the statute defining who has standing to object to a water right claim in the Montana Water Court and who is entitled to a hearing. The bill, as written, purports to grant standing only to a person with an ownership or leasehold interest in an existing water right, permit, certificate, or state reservation.

It is important for the adjudication process to be as comprehensive as possible to allow for a thorough vetting of all tangible interests. Attempting to narrow the scope of participation in the

adjudication process will leave the state's adjudication process vulnerable to challenges by others seeking to take Montana's water, such as other states or the federal government. Further, it is possible that the amendments as proposed in SB 337 may raise constitutional issues, in light of the Montana Supreme Court's rationale in Montana Trout Unlimited v. Beaverhead Water Company, 361 Mont. 77 (2011). While it is up to the courts to decide constitutional questions, I do have an interest in making sure that the laws passed by the legislature do not create the grounds for unnecessary litigation.

My proposed amendments would define those with standing to object as persons not only with an "ownership or leasehold interest" but those with an economic, or other substantial interest. The import of these amendments is significant. With my amendments, and in order to have standing, an individual would be required to demonstrate a real interest in the water right, not simply a general interest as a member of the public.

I respectfully ask that you support my amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 337** (reference copy -- salmon) are as follows:

1. Page 1, line 22.
Following: "ownership"
Insert: ","
Strike: the first "or"
Following: "leasehold"
Insert: ", economic, or other substantial"

April 22, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 147** (SB 147), "AN ACT REVISING CRITERIA FOR LOCAL GOVERNMENT REVIEW OF A SUBDIVISION APPLICATION WITH REGARD TO IMPACT ON ADJACENT AGRICULTURAL OPERATIONS; AMENDING SECTION 76-3-608, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

Locally-elected officials are best suited to decide the impacts to their communities from subdivision development, including the impacts of that development on agriculture. Under current law, a local governing body must review a subdivision proposal for its impact on agriculture. This provides the opportunity for local officials to consider a proposed subdivision's impact on adjacent agricultural operations, as well as the overall impacts the conversion of land from agriculture to urban uses will have on agriculture in the area. Certainly, how locally-elected officials choose to look at this issue will reflect the specific values of that particular community.

SB 147 significantly limits the ability of locally-elected officials to reflect community values. It restricts the local governing body's review to the proposed subdivision's impacts on adjacent agricultural operations. This would prevent a local official from considering the larger and cumulative impacts to agriculture as a part of the community.

Agriculture is a vital part of Montana's economy and culture. When evaluating a proposed development, a local community must be able to consider both short and long term agricultural impacts.

Protections are in place to make sure that this important power is not abused. The Montana Subdivision and Platting Act provides that the local governing body may not unreasonably restrict a landowner's ability to develop land, the Montana and United States Constitutions protect landowners from unconstitutional development conditions, and judicial precedent prohibits local elected officials from being arbitrary or capricious in their actions.

I respectfully ask you to sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

April 22, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Essmann and Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 366 (SB 366)**, "AN ACT ELIMINATING THE LIMITATION ON THE NUMBER OF YEARS THAT A MEMBER OF THE ENVIRONMENTAL QUALITY COUNCIL MAY SERVE; AMENDING SECTION 5-16-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 366 eliminates term limits for serving on the Environmental Quality Council (Council). Under current law, members may not serve longer than 6 years. The Council is comprised of 12 members of the Legislature and 4 members of the public, as well as an ex officio member that I designate.

The Council serves a number of very important functions, and its charge is a dynamic one. The Council must stay abreast of current environmental trends and new developments, creatively respond to the evolving needs and interests of the state, and recommend forward-looking state policies to promote the improvement of the quality of the environment. To meet these challenges requires fresh thinking and new perspectives. A 6-year term limit balances this need against the desire for continuity. Eliminating term limits could subject the collective work on the Council to a narrowing of interests and viewpoints, which would be a disservice to all Montanans.

In addition, there is a benefit from having members circulate through the Council, being educated on critical environmental issues of the day, and then making room for someone else.

For these reasons I respectfully ask that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Conference Committee Report No.1 adopted: 4/22/2013
SB 256, introduced by F. Moore

SB 173 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 173:**

4/22/2013

Representative Berry, Vice Chair
Representative Lang
Representative Noonan

Senate amendments to House bills concurred in: 4/22/2013
HB 76, introduced by Pease-Lopez
HB 454, introduced by McChesney

Free Conference Committee Report No.1 adopted: 4/22/2013
HB 97, introduced by Wilmer

Conference Committee Report No.1 adopted: 4/22/2013
HB 277, introduced by McChesney

Governor's amendments to **House bill not** concurred in: 4/22/2013
HB 225, introduced by C. Smith

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved the Senate recess until 1:00 p.m. this date. Motion carried. Senate recessed at 8:23 a.m.

****

Senate reconvened at 1:02 p.m. President Essmann presiding. All members present.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Ripley, Chair): 4/23/2013
HB 284, be concurred in. Report adopted.

FISH AND GAME (Brenden, Chair): 4/23/2013

SR 68, be adopted. Report adopted.
SR 69, be adopted. Report adopted.
SR 70, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 173**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 173** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 173** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.
Following: "LAWS;"
Insert: "AUTHORIZING THE STATE OF MONTANA TO OBTAIN WORKERS' COMPENSATION COVERAGE UNDER PLAN NO. 2 OR PLAN NO. 3; AUTHORIZING THE STATE COMPENSATION INSURANCE FUND TO INSURE ITS EMPLOYEES UNDER PLAN NO. 3 IF THE DEPARTMENT OF ADMINISTRATION ELECTS COVERAGE FOR OTHER STATE AGENCIES UNDER PLAN NO. 2;"

2. Title, page 1, line 7 through line 8.
Strike: "A ONE-TIME" on line 7 through "PRIOR TO USING" on line 8

3. Title, page 1, line 10.
Strike: "2013"
Insert: "1990"

4. Title, page 1, line 19.
Following: "SECTIONS"
Insert: "39-71-403, 39-71-2201,"

5. Page 1.
Following: line 22
Insert: "Section 1. Section 39-71-403, MCA, is amended to read:

"39-71-403. ~~**Plan three exclusive for state agencies -- election of plan by public corporations**~~ **State agency coverage -- public corporation coverage -- financing of self-insurance fund -- exemption for university system -- definitions -- rulemaking.** (1) (a) Except as provided in [section 3] and subsection (5)~~, if a state agency is the employer, the terms, conditions, and provisions of compensation plan No. 3, state fund, are exclusive, compulsory, and~~

~~obligatory upon both employer and employee.~~ of this section, the department of administration shall elect workers' compensation insurance coverage on behalf of all state agencies and manage the coverage under the terms, conditions, and provisions of compensation plan No. 2 or plan No. 3. The state agency is the employer for purposes of the compensation plan selected pursuant to this section. Any sums necessary to be paid under the provisions of this chapter by a state agency are considered to be ordinary and necessary expenses of the state agency. The state agency shall pay the sums ~~into the state fund~~ at the time and in the manner provided for in this chapter, notwithstanding that the state agency may have failed to anticipate the ordinary and necessary expense in a budget, estimate of expenses, appropriations, ordinances, or otherwise.

(b) (i) ~~Subject to subsection (5), the department of administration, provided for in 2-15-1001, shall manage~~ The department of administration shall elect coverage under one compensation plan to provide workers' compensation insurance coverage for all state agencies except the state compensation insurance fund if the state compensation insurance chooses a plan No. 2 insurer. The plan selected by the department of administration is to be exclusive, compulsory, and obligatory upon both the employer and the employee.

(ii) The ~~state fund~~ plan No. 2 or plan No. 3 insurer shall provide the department of administration with all information regarding the state agencies' coverage.

(iii) Notwithstanding the status of a state agency as employer in subsection (1)(a) and contingent upon mutual agreement between the department of administration and the ~~state fund, the state fund~~ plan No. 2 or plan No. 3 insurer, the plan No. 2 or plan No. 3 insurer shall issue one or more policies for all state agencies.

(iv) In any year in which the workers' compensation premium due from a state agency is lower than in the previous year, the appropriation for that state agency must be reduced by the same amount that the workers' compensation premium was reduced and the difference must be returned to the originating fund instead of being applied to other purposes by the state agency submitting the premium.

(2) (a) A public corporation~~, other than a state agency,~~ may elect coverage under compensation plan No. 1, plan No. 2, or plan No. 3, separately or jointly with any other public corporation~~, other than a state agency~~ or with the department of administration as provided in subsection (2)(b).

(b) Except as provided in [section 3], the department of administration, on behalf of all state agencies, may join with a public corporation to elect coverage under compensation plan No. 2 or plan No. 3. Until notes or bonds described in subsection (3)(a) are fully paid, the funds described in subsection (3)(a) must remain separate from the funds paid to the department of administration by state agencies.

(c) A public corporation, if electing coverage under compensation plan No. 1, may purchase reinsurance or issue bonds or notes pursuant to subsection (3)(b). A public corporation electing coverage under compensation plan No. 1 is subject to the same provisions as a private employer electing compensation plan No. 1.

(3) (a) A public corporation~~, other than a state agency,~~ that elects coverage under plan No. 1 may establish a fund sufficient to pay the compensation and benefits provided for in this chapter and to discharge all liabilities that are reasonably incurred during the fiscal year for which the election is effective. Proceeds from the fund ~~must~~ may be used only to pay claims covered by this chapter and for actual and necessary expenses required for the efficient administration of the fund, including debt service on any bonds and notes issued pursuant to subsection (3)(b).

(b) (i) A public corporation~~, other than a state agency,~~ separately or jointly with another

public corporation~~, other than a state agency,~~ may issue and sell its bonds and notes for the purpose of establishing, in whole or in part, the self-insurance workers' compensation fund provided for in subsection (3)(a) and to pay the costs associated with the sale and issuance of the bonds. Bonds and notes may be issued in an amount not exceeding 0.18% of the total assessed value of taxable property, determined as provided in 15-8-111, of the public corporation as of the date of issue. The bonds and notes must be authorized by resolution of the governing body of the public corporation and are payable from an annual property tax levied in the amount necessary to pay principal and interest on the bonds or notes. This authority to levy an annual property tax exists despite any provision of law or maximum levy limitation, including 15-10-420, to the contrary. The revenue derived from the sale of the bonds and notes may not be used for any other purpose.

(ii) The bonds and notes:

(A) may be sold at public or private sale;

(B) do not constitute debt within the meaning of any statutory debt limitation; and

(C) may contain other terms and provisions that the governing body determines.

(iii) Two or more public corporations~~, other than state agencies,~~ may agree to exercise their respective borrowing powers jointly under this subsection (3)(b) or may authorize a joint board to exercise the powers on their behalf.

(iv) The fund established from the proceeds of bonds and notes issued and sold under this subsection (3)(b) may, if sufficient, be used in lieu of a surety bond, reinsurance, specific and aggregate excess insurance, or any other form of additional security necessary to demonstrate the public corporation's ability to discharge all liabilities as provided in subsection (3)(a). Subject to the total assessed value limitation in subsection (3)(b)(i), a public corporation may issue bonds and notes to establish a fund sufficient to discharge liabilities for periods greater than 1 year.

(4) All money in the fund established under subsection (3)(a) not needed to meet immediate expenditures must be invested by the governing body of the public corporation or the joint board created by two or more public corporations as provided in subsection (3)(b)(iii), and all proceeds of the investment must be credited to the fund.

(5) For the purposes of subsection ~~(1)(b)~~ (1)(a), the judicial branch or the legislative branch may choose not to have the department of administration manage its workers' compensation policy.

(6) The department of administration may adopt rules to implement ~~subsection (1)(b)(i)~~ this section.

(7) As used in this section, the following definitions apply:

(a) "Public corporation" ~~includes~~ has the meaning provided in 39-71-116 except that a state agency is excluded and the Montana university system is included.

(b) (i) "State agency" means:

(A) the executive branch and its departments and all boards, commissions, committees, bureaus, and offices;

(B) the judicial branch; and

(C) the legislative branch.

(ii) The term does not include the Montana university system.""

Insert: "Section 2. Section 39-71-2201, MCA, is amended to read:

"39-71-2201. Election to be bound by plan -- captive reciprocal insurers. (1) Any employer ~~except those specified in 39-71-403~~ may, by filing an election to become bound by compensation plan No. 2, insure the employer's liability to pay the compensation and benefits provided by this chapter with any insurance company authorized to transact ~~such~~ workers'

compensation business in this state.

(2) Any employer electing to become bound by compensation plan No. 2 shall make the election on the form and in the manner prescribed by the department.

(3) A captive reciprocal insurer established by or on behalf of an employer or a group of employers is considered to be a compensation plan No. 2 insurer. Pursuant to 33-28-205, a captive reciprocal insurer may not be a member of an insurance guaranty association or guaranty fund.""

Insert: "NEW SECTION. **Section 3. State compensation insurance fund options.** If the department of administration elects coverage under plan No. 2 under the provisions of 39-71-403, the state fund may choose to provide and manage workers' compensation coverage for its employees under plan No. 3. If the state fund exercises this option, the state fund is exempt from 39-71-403 for the purposes of 39-71-2314. For the purposes of this chapter, upon exercising the option under this section, the state fund is the employer and the terms, conditions, and provisions of plan No. 3 are exclusive, compulsory, and obligatory upon both the employer and the employee."

Renumber: subsequent sections

6. Page 3, line 6.
Strike: "EMPLOYEE OR"

7. Page 3, lines 7 through 8.
Strike: "TO" on line 7
Insert: "at a meeting of"
Strike: "IN A PUBLIC HEARING," on line 7 through "COMMENT," on line 8

8. Page 3, line 14.
Following: "ADJUSTMENTS"
Insert: "for all employees"

9. Page 3, line 18.
Following: the first "THE"
Insert: "degree of"

10. Page 5, line 10.
Strike: "AFTER THE ONE-TIME" through "FUND, ALL"
Insert: "All"

11. Page 5, lines 14 through 15.
Strike: "AFTER EXPENDING" on line 14 through "TRANSFER" on line 15
Insert: "Subject to subsection (3), the state fund's equity or surplus, as that term is used in 39-71-2323, that has accrued from income other than premiums paid to the state fund based upon wages payable on or after July 1, 1990, must be used"

12. Page 5, lines 16 through 19.
Following: "1990" on line 16
Strike: ", the state fund's assets" on line 16 through "funded" on line 19

13. Page 6, lines 27 through 29.
Strike: section 6 in its entirety
Insert: "NEW SECTION. **Section 9. Codification instruction.** [Section 3] is intended to be codified as an integral part of Title 39, chapter 71, part 23, and the provisions of Title 39, chapter 71, part 23, apply to [section 3]."
Renumber: subsequent section

For the Senate:
Sonju, Chair
D. Brown
Keane

For the House:
Berry, Vice Chair
Lang
Noonan

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 323**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 323** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 323** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.
Following: "~~PHYSICIAN.~~"
Insert: "Ongoing prescriptions for Schedule II and Schedule III drugs may be prescribed only by a treating physician."

For the Senate:
Thomas, Chair
Debby Barrett
Vuckovich

For the House:
Salomon, Vice Chair
Pierson
Schwaderer

FREE CONFERENCE COMMITTEE
on **House Bill 218**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 218** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 218** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 14.
Strike: "A"
Strike: "DATE"
Insert: "DATES"

2. Page 5, line 6.
Strike: "EACH"
Insert: "the"
Following: "2014,"
Insert: "only"

3. Page 8, line 21.
Following: "**Termination.**"
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

4. Page 8, following line 21.
Insert: "(2) [Section 9] terminates June 30, 2015."

For the Senate:
Rosendale, Chair
F. Moore
Stewart-Peregoy

For the House:
Ankney, Vice Chair
Cuffe
McChesney

FREE CONFERENCE COMMITTEE
on **House Bill 240**
Report No. 001, April 22, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 240** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 240** (reference copy -- salmon) be amended as follows:

1. Page 3, line 25.
Following: "PROHIBITED"
Insert: "**for certain individuals**"

2. Page 3, line 26.
Strike: "SUBSECTIONS (2) AND (3)"
Insert: "subsection (2)"

3. Page 3, line 28.

Following: "property"
Insert: "by a person with a permit issued pursuant to 45-8-321 or recognized pursuant to 45-8-329"

4. Page 4, line 16 through line 20.
Strike: subsection (3) in its entirety

For the Senate:
F. Moore, Chair
Fielder
Larsen

For the House:
C. Smith, Vice Chair
Kerns
MacDonald

Senator Phillips rose on a point of inquiry. Senator Brenden responded to the inquiry.

MOTIONS

Senator Wittich moved to appoint a **Free** Conference Committee on **SB 348** and request the House to appoint a like committee. Without objection, so ordered. Speaker Essmann appointed:

Senator Thomas, Chair
Senator Arntzen
Senator Facey

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion Carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 335 - **House Amendments** - Senator Hamlett moved House amendments to **SB 335** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 21 - Senator Webb moved **HJR 21** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Blewett, D. Brown, T. Brown, Caferro, Fielder, Hamlett, Jackson, Kaufmann, Keane, Lewis, Olson, Peterson, Phillips, Priest, Sonju, Thomas, Van Dyk, Webb, Windy Boy, Wittich, Mr. President.
Total 23

Nays: Arthun, Augare, Barrett Dick, Boulanger, Brenden, Buttrey, Driscoll, Facey, Jent, Jergeson, Jones, Larsen, Malek, Moore, Murphy, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 21 - Senator Wittich moved **HJR 21** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Boulanger, Brenden, D. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich.
Total 37

Nays: Barrett Debby, Blewett, T. Brown, Caferro, Fielder, Hamlett, Keane, Phillips, Taylor, Thomas, Webb, Windy Boy, Mr. President.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 562 - **Governor's Amendments** - Senator Vuckovich moved Governor's amendments to **HB 562** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.
Total 38

Nays: Barrett Debby, Brenden, D. Brown, Fielder, Jackson, Ripley, Rosendale, Sales, Taylor, Thomas, Walker, Webb.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473 - **Conference Committee Report No. 1** - Senator Murphy moved the Conference Committee report to **HB 473** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Moore, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 497 - **Conference Committee Report No. 1** - Senator Sales moved the Conference Committee report to **HB 497** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 33

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 198 - **Conference Committee Report No. 1** - Senator Thomas moved the Conference Committee report to **SB 198** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 43

Nays: Augare, Blewett, Fielder, Kaufmann, Sesso, Stewart-Peregoy, Wittich.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 223 - **Conference Committee Report No. 1** - Senator Murphy moved the Conference Committee report to **SB 223** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Larsen.
Total 1

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HB 277 - **Conference Committee Report No. 1** - Senator Sales moved the Conference Committee report to **HB 277** be adopted. Motion **failed** as follows:

Yeas: Augare, Blewett, Driscoll, Hamlett, Jackson, Jergeson, Jones, Larsen, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tutvedt, Van Dyk, Vuckovich, Webb, Windy Boy, Mr. President.
Total 20

Nays: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Jent, Kaufmann, Keane, Lewis, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Vincent, Walker, Wanzenried, Wittich.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 385 - **Governor's Amendments** - Senator Wittich moved Governor's amendments to **HB 385** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 297 - **House Amendments** - Senator Arntzen moved House amendments to **SB 297** be

concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.
Total 37

Nays: Barrett Dick, Blewett, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 - Senator Sonju moved **HB 633** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jones, Kaufmann, Keane, Larsen, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Windy Boy.
Total 35

Nays: Jent, Jergeson, Lewis, Malek, Moore, Murphy, Ripley, Rosendale, Sales, Taylor, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 8 - **Governor's Amendments** - Senator Brenden moved Governor's amendments to **HB 8** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 43

Nays: Barrett Dick, Facey, Kaufmann, Malek, Tropila, Van Dyk, Wanzenried.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise, report progress, and beg leave to sit again**. Motion Carried. Committee arose. Senate resumed. President Essmann presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Kaufmann, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 262 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.

Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 411 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Barrett Dick, Caferro, Kaufmann, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 101, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 184, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 100, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 40

Nays: Barrett Dick, Blewett, Brenden, Hamlett, Jent, Jergeson, Kaufmann, Malek, Vuckovich, Wanzenried.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 297, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 345, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Malek, Phillips.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 256, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 282**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 282** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 282** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 21.
Following: "~~15-32-104,~~"
Insert: "15-32-104,"
Strike: "15-32-201,"

2. Title, page 1, line 27.
Following: "~~15-30-2319,~~"
Insert: "15-30-2319,"

3. Title, page 1, line 29.
Following: "~~15-32-109,~~"
Insert: "15-32-109,"
Following: "~~15-32-203,~~"
Insert: "15-32-201, 15-32-202, 15-32-203,"

4. Page 15, line 17.
Strike: "3.5%"
Insert: "4%"

5. Page 15, line 18.
Strike: "5.75%"
Insert: "6%"

6. Page 15, line 20.
Strike: "3.5%"
Insert: "4%"

7. Page 15, line 21.
Strike: "5.75%"
Insert: "6%"

8. Page 15, line 24.
Strike: "3.5%"
Insert: "4%"

9. Page 15, line 25.
Strike: "5.75%"
Insert: "6%"

10. Page 15, line 28.
Strike: "3.5%"
Insert: "4%"

11. Page 15, line 29.
Strike: "5.75%"
Insert: "6%"

12. Page 16, line 13.
Strike: the first "3.5%"
Insert: "4%"
Strike: the second "3.5%"
Insert: "4%"

13. Page 16, line 14.
Strike: "5.75%"
Insert: "6%"

14. Page 16, line 15.
Strike: "3.5%"
Insert: "4%"

15. Page 16, line 21.
Strike: "3.5%"
Insert: "4%"

16. Page 16, line 22.
Strike: "2%"
Insert: "2.5%"

17. Page 16, line 24.
Strike: "3.5%"
Insert: "4%"

18. Page 16, line 25.
Strike: "3.5%"
Insert: "4%"

19. Page 16, line 26.
Strike: "3.5%"
Insert: "4%"

20. Page 16, line 29.
Strike: "3.5%"
Insert: "4%"

21. Page 16, line 30.
Strike: "2%"
Insert: "2.5%"

22. Page 17, line 2.
Strike: "4.25%"
Insert: "4.5%"

23. Page 17, line 3.
Strike: "5.75%"
Insert: "6%"

24. Page 17, line 4.
Strike: "4.25%"
Insert: "4.5%"

25. Page 41, line 9.
Insert: "Section 32. Section 15-32-104, MCA, is amended to read:

"15-32-104. Limitations on deduction and credit. Tax treatment under 15-32-103 ~~and 15-32-109~~ is limited to persons and firms not primarily engaged in the provision of gas or electricity derived from fossil fuel extraction or conventional hydroelectric development.""
Renumber: subsequent sections

26. Page 41, line 12 through line 13.
Strike: "THE" on line 12 through "15-32-109." on line 13

27. Page 41, line 14.
Strike: "OR CREDIT"
Strike: "OR 15-32-109"

28. Page 41, line 16.
Strike: "OR CREDIT"
Strike: "OR ENERGY CONSERVATION"

29. Page 41, line 19.
Following: "~~days.~~"
Insert: "The department may refer a deduction involving energy conservation to the department of labor and industry for its advice, and the department of labor and industry shall respond within 60 days."

30. Page 41, line 20.

Strike: "OR CREDIT"

31. Page 41, line 22 through page 42, line 5.
Strike: section 33 in its entirety
Renumber: subsequent subsections

32. Page 81.
Following: line 13
Insert: "15-30-2319. Credit for energy-conserving investments."

33. Page 82.
Following: line 1
Insert: "15-32-109. Credit for energy-conserving expenditures."

34. Page 82.
Following: line 5
Insert: "15-32-201. Amount of credit -- to whom available.
15-32-202. Taxable years in which credit may be claimed -- carryover.
15-32-203. Department to make rules."

For the Senate:
Thomas, Chair
Phillips
Tutvedt

For the House:
Osmundson, Vice Chair
Coffin
Hansen

President Pro Tempore Debby Barrett assumed the chair.

SPECIAL ORDERS OF THE DAY

SR 73 - Senator Peterson moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 73**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 74 - Senator Ripley moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 74**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 76 - Senator Sonju moved the nominations transmitted by the Governor be confirmed by the Senate in accordance with **SR 76**. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senators Wanzenried and Essmann gave their farewell remarks to the Senate.

MOTIONS

Senator Windy Boy moved to change his third-reading vote on **HB 297** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate recess until 5:00 p.m. this date. Motion carried.

Senate recessed at 2:11 p.m.

****

Senate reconvened at 5:02 p.m. President Essmann presiding. All members present.

REPORTS OF STANDING COMMITTEES

RULES (Wittich, Chair): 4/22/2013

Senate Rules be amended, and that amendments to Senate Rule S50-220 read as follows:

1. **S50-220. Call of the Senate.** (1) In the absence of a quorum, a majority of Senators present may compel the attendance of absent Senators by ordering a call of the Senate.

~~(2) If a quorum is present, five Senators may order a call of the Senate.~~

~~(3)~~ (2) On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators present direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator's attendance.

~~(4)~~ (3) During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. The call may be removed by a ~~two-thirds~~ majority vote of the members present.

2. **Appendix A.**
List of Questions Requiring Other Than a Majority Vote
The following questions require the vote specified:

~~(1) a call of the Senate with a quorum pursuant to S50-220(2) (five Senators);~~
~~(2) a motion to lift a call of the Senate pursuant to S50-220(4) (two-thirds of the members present);~~
~~(3)~~ (1) a motion to amend or suspend rules pursuant to S60-10 (two-thirds);
~~(4)~~ (2) a motion to override the Governor's veto pursuant to S50-250 and Article VI, section 10(3), of the Montana Constitution (two-thirds);
~~(5)~~ (3) a motion to approve a bill to appropriate the principal of the coal trust fund pursuant to Article IX, section 5, of the Montana Constitution (three-fourths of each house);
~~(6)~~ (4) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than those described in that section (three-fifths of each house);
~~(7)~~ (5) a motion to approve a bill proposing to amend the Montana Constitution pursuant to Article XIV, section 8, of the Montana Constitution (two-thirds of the entire Legislature);
~~(8)~~ (6) an appeal of the ruling of the presiding officer pursuant to S20-10 (one Senator, seconded by two other Senators);
~~(9)~~ (7) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds);
~~(10)~~ (8) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund pursuant to Article XII, section 4, of the Montana Constitution (two-thirds); and
~~(11)~~ (9) a motion to appropriate the principal of the noxious weed management trust fund pursuant to Article IX, section 6, of the Montana Constitution (three-fourths).

And, as amended, be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Sesso rose in to request the reported vote be corrected to reflect the actual 9 to 6 vote of the committee.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 96**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 96** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 96** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 15.
Following: "REVENUE;"
Insert: "PROVIDING CONTINGENT INCREASES AND DECREASES TO APPROPRIATIONS;"

2. Page 8, line 7.
Strike: "$10"
Insert: "$6"

3. Page 8, line 10.
Strike: "$10"
Insert: "$6"

4. Page 8, line 23.
Strike: "$250,000"
Insert: "$100,000"

5. Page 11.
Following: line 3
Insert: "COORDINATION SECTION. **Section 7. Coordination instruction.** If both House Bill No. 2 and [this act] are passed and approved, then:
(1) the general fund appropriation for BASE Aid in House Bill No. 2 of $580,680,837 is decreased by $3,053,710 in fiscal year 2015; and
(2) the general fund appropriation for Reimbursement Block Grants in House Bill No. 2 of $66,334,425 is increased by $7,931,716 in fiscal year 2015."
Renumber: subsequent sections

For the Senate:
Tutvedt, Chair
Phillips
Thomas

For the House:
G. Bennett, Vice Chair
Lavin
McClafferty

FREE CONFERENCE COMMITTEE

on **Senate Bill 348**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 348** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 through line 11.
Strike: "REVISING" on line 9 through "CONTROL;" on line 11

2. Title, page 1, line 17.
Strike: "REPEALING" through "PROGRAM;"

3. Title, page 1, line 18.
Strike: "20-9-516,"

4. Title, page 1, line 19 through line 20.
Strike: "REPEALING" on line 19 through "MCA;" on line 20

5. Page 4, line 6 through page 5, line 5.
Strike: section 5 in its entirety
Renumber: subsequent sections

6. Page 14, line 4 through line 17.
Strike: section 11 in its entirety
Renumber: subsequent sections

7. Page 14, line 19.
Strike: "10"
Insert: "9"

8. Page 14, line 20.
Strike: "1"
Insert: "9"

9. Page 14, line 22.
Strike: "subsections"
Insert: "subsection"
Strike: "and (3)"

10. Page 14, line 24.
Strike: "10"

Insert: "9"

11. Page 14, line 25.
Strike: subsection (3) in its entirety

12. Page 14, line 27 through line 28.
Strike: section 14 in its entirety
Renumber: subsequent sections

13. Page 14, line 30.
Strike: "10"
Insert: "9"

For the Senate:
Thomas, Chair
Arntzen
Facey

For the House:
Blyton, Vice Chair
Salomon
McClafferty

FREE CONFERENCE COMMITTEE
on **House Bill 120**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 120** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 120** (reference copy -- salmon) be amended as follows:

1. Page 13, line 20 through line 21.
Strike: "who" on line 20 through "registration" on line 21

2. Page 13, line 27 through line 28.
Strike: "or" on line 27 through "county" on line 28

3. Page 25, line 17.
Strike: "or by facsimile or other electronic means"

For the Senate:
Wittich, Chair
Boulanger
Malek

For the House:
Vance, Vice Chair
Hunter
Ingraham

MESSAGES FROM THE GOVERNOR

April 23, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Tuesday, April 23, 2013, I returned **Senate Bill 182** - Sonju and **Senate Bill 290** - Arntzen to the Secretary of State without signature.

I am returning **Senate Bill 28** -Thomas and **Senate Bill 347** - Vincent with amendments.

Sincerely,

STEVE BULLOCK
Governor

April 23, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 28 (SB 28)**, "AN ACT ADOPTING THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT; AUTHORIZING THE STATE AUDITOR AS COMMISSIONER OF INSURANCE TO PARTICIPATE IN THE COMPACT; ENSURING THAT PARTICIPATING STATES PROVIDE A COMMON FRAMEWORK FOR REGULATING DESIGNATED INSURANCE PRODUCTS; LEGISLATIVELY OPTING OUT OF CERTAIN UNIFORM STANDARDS; PROVIDING OPT-OUT AUTHORITY; LIMITING GOVERNMENTAL LIABILITY; AMENDING SECTIONS 33-1311 AND 33-1-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 28 adopts the Interstate Insurance Product Regulation Compact and provides for an immediate effective date. My amendment will remove the immediate effective date to allow the Commissioner of Securities and Insurance and the insurance industry the necessary time to prepare for complying with the provisions of the bill. Removal of the immediate effective date will make the effective date default to October 1,2013.

I respectfully request that the Legislature concur with my amendment.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 28** (reference copy -- salmon) are as follows:

1. Title, line 10 and line 11.
Following: "LIABILITY;" on line 10
Insert: "AND"
Following: "MCA" on line 10
Strike: remainder of line 10 through "DATE" on line 11

2. Page 23, line 1.
Strike: section 8 in its entirety

April 23, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **return with amendments Senate Bill 347 (SB 347)**, "AN ACT PROVIDING THAT A DIVERSION OR WITHDRAWAL OF WATER IS NOT DEGRADATION UNDER THE WATER QUALITY ACT; AMENDING SECTIONS 75-5-103 AND 75-5-317, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Under existing laws protecting water quality that have been in force for two decades, an activity that decreases water flow is not significant to human health or the environment if the decrease is within certain measurable numeric limits. In addition, a decrease in flow outside of these numeric limits may still be acceptable (if the Department of Environmental Quality (DEQ) makes certain findings based on specific criteria).

SB 347 would amend the Montana Water Quality Act, replacing these protections with only a narrative standard that would require the DEQ to determine if the decrease in flow would "have a reasonable possibility to cause a significant adverse impact on a fish population."

I have several concerns with this approach.

First and foremost, I am very concerned that this change will invite substantial litigation, delaying the creation of jobs. SB 347 would replace a set standard that is measurable and widely understood ("decrease in the mean monthly flow of a surface water by less than 15% or the seven-day 10 year low flow by less than 10%"), with a narrative description that is subject to dispute and differing scientific opinions. The vagueness of the narrative standard in SB 347 was identified by several parties during the legislative process. This is sure to generate litigation.

Second, I believe the reference to "a fish population," while very important, is not consistent with our laws relating to surface water quality which use "aquatic life" as the standard yardstick. A stream should be protected from de-watering even if it does not contain fish. Besides, every angler knows that healthy aquatic insects are a critical part of having healthy fish populations.

Third, the Legislature has previously determined that the impacts on existing water rights are an important consideration, and current law reflects this judgment (section 75-5-301 (5)(c)(i), MCA).

SB 347 does away with this consideration, except in those instances where protecting "a fish population" also happens to protect an existing water right (or where the decrease in flow is for a beneficial use, which is then reviewed for its impacts on senior water right holders under Title 85, Chapter 2, MCA).

Accordingly I propose amendments to accomplish three objectives:

1. In order to provide as much clarity as possible in regard to this new narrative standard, and lessen the risk of litigation, I am including explicit direction to the Board of Environmental Review to adopt rules to give specificity to the new standard, with a completion date of November 1, 2014.
2. To provide that "aquatic life" is the benchmark in the narrative standard. In extending protection to streams where fish are not present in sufficient numbers, this amendment also provides more protection for senior water rights holders.
3. To clarify the prospective nature of new rules adopted by the Board of Environmental Review and allow existing applicants and permit holders the option of applying the new rules to their respective applications and operations.

Current law does not require certain types of water use to go through the water right permitting process, nor are they considered waste under Title 85, Chapter 2, MCA. However, and as I have proposed to amend this bill, for the first time the department will review these non-beneficial uses of water to ensure that they will not have an adverse impact on aquatic life.

I respectfully ask that you support my amendments.

Sincerely,

STEVE BULLOCK
Governor

Governor's recommendations for amendments to **Senate Bill 347** (reference copy -- salmon) are as follows:

1. Title, line 6.
Following: "DATE"
Insert: "AND APPLICABILITY DATES"

2. Page 2, line 12.
Following: "IMPACT ON"
Strike: "A FISH POPULATION"
Insert: "aquatic life. The board shall adopt rules implementing this subsection (7)(b)(ii) no later than November 1, 2014"

3. Page 7, line 26.
Following: "IMPACT ON"
Strike: "A FISH POPULATION"
Insert: "aquatic life. The board shall adopt rules implementing this subsection (7)(b)(ii) no later than November 1, 2014"

4. Page 14, line 16.
Insert: "NEW SECTION. **Section 3. Applicability.** (1) [This act] applies to an application for a permit, license, or other authorization received by the department of environmental quality after the effective date of rules adopted to implement [this act].

(2) [This act] applies to an application for a permit, license, or other authorization that is received by the department before the effective date of rules adopted to implement [this act] but not granted or denied before that date if the applicant, within 90 days after the effective date of the rules, files a written election with the department to have the application reviewed under [this act] and the rules adopted to implement [this act].

(3) [This act] applies to a permit, license, or other authorization issued before the effective date of rules adopted to implement [this act] if the holder of the permit, license, or other authorization files a written election with the department to have [this act] and the rules adopted pursuant to [this act] applied to the permit, license, or other authorization."
Renumber: subsequent section

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/23/2013
SB 394, introduced by Wittich

Free Conference Committee Report No.1 adopted: 4/23/2013
SB 342, introduced by Windy Boy

Senate amendments to House bill concurred in: 4/23/2013
HB 377, introduced by Woods

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/23/2013
HB 274, introduced by Greef

Conference Committee Report No. 1 on Senate amendments to House bill adopted: 4/23/2013
HB 133, introduced by Berry

MOTIONS

Senator Phillips rose on a point of inquiry.

Senator Jergeson rose on a point of parliamentary procedure regarding conference committee reports.

Senator Priest moved to suspend the rules to allow **SB 173**, **SB 215**, **SB 282**, **SB 323**, **SJ 18**, **HB 218**, **HB 240**, and **HB 284** to be reported out of committee this date and brought before the Committee of the Whole this legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 36

Nays: Augare, Barrett Dick, Blewett, Facey, Jent, Jergeson, Kaufmann, Malek, Phillips, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Windy Boy.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion Carried. Senator Vincent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 97 - **Free Conference Committee Report No. 1** - Senator Sales moved the Free Conference Committee report to **HB 97** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 47

Nays: Kaufmann, Tropila, Wanzenried.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 - **Free Conference Committee Report No. 1** - Senator Windy Boy moved the Free Conference Committee report to **SB 342** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 40

Nays: Boulanger, Brenden, Fielder, Jackson, Moore, Rosendale, Sales, Vincent, Webb, Wittich.
Total 10

Absent or not voting: None.
Total 0

Excused: None.

Total 0

HB 225 - **Governor's Amendments** - Senator Wittich moved Governor's amendments to **HB 225** be **not** concurred in. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Walker, Webb, Wittich.
Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 431 - **Conference Committee Report No. 1** - Senator Olson moved the Conference Committee report to **HB 431** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 148 - **Free Conference Committee Report No. 1** - Senator L. Jones moved the Free Conference Committee report to **SB 148** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,

Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305 - **Conference Committee Report No. 1** - Senator Peterson moved the Conference Committee report to **SB 305** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Augare, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Wanzenried, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 284 - Senator Debby Barrett moved **HB 284** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, T. Brown, Caferro, Fielder, Hamlett, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Peterson, Priest, Sesso, Sonju, Thomas, Tropila, Vincent, Vuckovich, Mr. President.
Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, D. Brown, Buttrey, Driscoll, Facey, Jackson, Jent, Kaufmann, Larsen, Malek, Olson, Phillips, Ripley, Rosendale, Sales, Stewart-Peregoy, Taylor, Tutvedt, Van Dyk, Walker, Wanzenried, Webb, Windy Boy, Wittich.

Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 284 - Senator Wittich moved **HB 284** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Barrett Dick, Blewett, Boulanger, Brenden, Buttrey, Driscoll, Facey, Jent, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich.
Total 33

Nays: Arntzen, Augare, Barrett Debby, D. Brown, T. Brown, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Sesso, Sonju, Taylor, Thomas, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 215 - **House Amendments** - Senator F. Moore moved House amendments to **SB 215** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 218 - **Free Conference Committee Report No. 1** - Senator Rosendale moved the Free Conference Committee report to **HB 218** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 240 - **Free Conference Committee Report No. 1** - Senator F. Moore moved the Free Conference Committee report to **HB 240** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Nays: Augare, Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 173 - **Free Conference Committee Report No. 1** - Senator Keane moved the Free Conference Committee report to **SB 173** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, D. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 27

Nays: Arthun, Boulanger, Brenden, T. Brown, Fielder, Jackson, Jent, Jergeson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 18 - **Free Conference Committee Report No. 1** - Senator Thomas moved the Free Conference Committee report to **SJR 18** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 323 - **Conference Committee Report No. 1** - Senator Thomas moved the Conference Committee report to **SB 323** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 274 - **Governor's Amendments** - Senator Sonju moved Governor's amendments to **HB 274** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 359 - **Governor's Amendments** - Senator Fielder moved Governor's amendments to **HB 359** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282 - **Free Conference Committee Report No. 1** - Senator Thomas moved the Free Conference Committee report to **SB 282** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Fielder, Jackson, Jones, Larsen, Lewis, Murphy, Olson, Peterson, Priest, Ripley, Sesso, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, Caferro, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Malek, Moore, Phillips, Rosendale, Sales, Sonju, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Wanzenried, Webb, Windy Boy, Wittich.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion Carried. Committee arose. Senate resumed. President Essmann presiding. Chair Vincent moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Blewett, Kaufmann, Malek, Phillips, Wanzenried.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 10:00 a.m., Wednesday, April 24, 2013, the eighty-seventh legislative day. Motion carried.

Senate adjourned at 6:34 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 24, 2013 — State Capitol

Senate convened at 10:16 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair): 4/25/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the seventy-sixth through eighty-second legislative days, find the same to be correct.

Correctly enrolled: **SB 28**, **SB 81**, **SB 96**, **SB 148**, **SB 198**, **SB 215**, **SB 223**, **SB 297**, **SB 305**, **SB 323**, **SB 335**, **SB 342**, **SB 348**, **SB 394**, **SJR 15**, **SJR 18**.
Examined by the sponsor and found to be correct: **SB 394**.
Transmitted to the House: **HB 633**, **HJR 25**, **HJR 26**, **HJR 30**.
Signed by the President at 9:30 a.m., April 23, 2013: **SB 175**.
Signed by the Speaker at 11:50 a.m., April 24, 2013: **SB 175**.
Signed by the President at 4:00 p.m., April 23, 2013: **SB 23**, **SB 44**, **SB 117**, **SB 162**, **SB 196**, **SB 217**, **SB 226**, **SB 231**, **SB 240**, **SB 370**, **SB 386**, **SB 401**, **SJR 14**, **SJR 15**, **SJR 20**, **SJR 22**, **SJR 23**, **SJR 24**, **SR 43**, **SR 46**, **SR 48**, **SR 51**, **SR 52**, **SR 53**, **SR 56**, **SR 57**, **SR 59**, **SR 60**.
Signed by the Secretary of the Senate at 7:40 a.m., April 24, 2013: **SB 201**, **SB 264**, **SB 265**, **SB 280**, **SB 369**, **SB 392**, **SJR 26**, **SR 31**, **SR 55**, **SR 61**, **SR 62**, **SR 72**.
Signed by the Secretary of the Senate at 8:25 a.m., April 24, 2013: **SB 101**, **SB 256**, **SR 73**, **SR 74**, **SR 76**.
Signed by the President at 8:30 a.m., April 24, 2013: **SB 101**, **SB 201**, **SB 256**, **SB 264**, **SB 265**, **SB 280**, **SB 369**, **SB 392**, **SJR 26**, **SR 31**, **SR 55**, **SR 61**, **SR 62**, **SR 72**, **SR 73**, **SR 74**, **SR 76**.
Signed by the Secretary of the Senate at 11:16 a.m., April 24, 2013: **SB 81**.
Signed by the President at 11:18 a.m., April 24, 2013: **SB 81**.
Signed by the Speaker at 11:25 a.m., April 24, 2013: **SB 81**.
Signed by the Secretary of the Senate at 9:05 a.m., April 15, 2013: **SB 269**.
Signed by the Secretary of the Senate at 10:50 a.m., April 24, 2013: **SB 394**
Signed by the President at 2:00 p.m., April 24, 2013: **SB 269**.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/24/2013
SB 81, introduced by Lewis

Free Conference Committee Report No.1 **not** adopted: 4/24/2013
SB 173, introduced by Keane

Governor's amendments to **Senate bill not** concurred in, returned to the Senate: 4/24/2013
SB 337, introduced by Hamlett

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion Carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 26 - Senator T. Brown moved **HJR 26** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 38

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Kaufmann, Ripley, Sales, Thomas, Walker, Webb, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 25 - Senator F. Moore moved **HJR 25** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sonju, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 30 - Senator T. Brown moved **HJR 30** be concurred in. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Windy Boy, Mr. President.
Total 38

Nays: Arthun, D. Brown, Facey, Kaufmann, Phillips, Ripley, Sales, Tutvedt, Walker, Wanzenried, Webb, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120 - **Free Conference Committee Report No. 1** - Senator Wittich moved the Free Conference Committee report to **HB 120** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 47

Nays: Stewart-Peregoy, Vuckovich, Windy Boy.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 96 - **Free Conference Committee Report No. 1** - Senator Tutvedt moved the Free

Conference Committee report to **SB 96** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Larsen, Lewis, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Mr. President.
Total 34

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Malek, Moore, Sesso, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348 - **Free Conference Committee Report No. 1** - Senator Thomas moved the Free Conference Committee report to **SB 348** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: D. Brown, Jackson, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Walker.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 28 - Senator Thomas moved consideration of **SB 28** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 337 - **Governor's Amendments** - Senator Hamlett moved Governor's amendments to **SB 337** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson,

Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Moore, Olson, Sales, Wittich.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 28 - **Governor's Amendments** - Senator Thomas moved Governor's amendments to **SB 28** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise, report progress, and beg leave to sit again**. Motion Carried. Committee arose. Senate resumed. President Essmann presiding. Chair Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Blewett, Kaufmann, Tropila, Wanzenried.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 335, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 562, **as amended by the Governor**, concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 36

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Ripley, Rosendale, Sales, Sesso, Thomas, Walker, Webb, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 497, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 198, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Augare, Fielder, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 223, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 385, **as amended by the Governor**, concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 633 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jones, Kaufmann, Keane, Larsen, Olson, Peterson, Phillips, Priest, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Windy Boy.
Total 33

Nays: Facey, Jent, Jergeson, Lewis, Malek, Moore, Murphy, Ripley, Rosendale, Sales, Taylor,

Thomas, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 97, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Kaufmann, Tropila.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 39

Nays: Barrett Debby, Boulanger, Brenden, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Webb, Wittich.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 431, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 148, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 215, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Fielder.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 218, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Kaufmann, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 240, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich.
Total 28

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 18, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 323, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen,

Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 274, **as amended by the Governor**, concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 45

Nays: Blewett, Caferro, Kaufmann, Tropila, Van Dyk.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 359, **as amended by the Governor**, concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Tropila.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 282, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 473, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Larsen, Lewis, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Wittich.
Total 26

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Malek, Moore, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 297, **as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Webb, Windy Boy.
Total 33

Nays: Barrett Dick, Blewett, Facey, Fielder, Jent, Jergeson, Kaufmann, Malek, Priest,

Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Wittich, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 173, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Caferro, Driscoll, Hamlett, Jones, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 26

Nays: Arntzen, Boulanger, T. Brown, Buttrey, Facey, Fielder, Jackson, Jent, Jergeson, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sales, Sonju, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Majority Leader Wittich moved the Senate suspend its rules and move all bills on second reading this date to third reading this date. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Majority Leader Wittich moved the Senate recess for a brief period to prepare the vote board for the additional third-reading bills. Without objection, so ordered.

Senate recessed at 11:13 a.m. Senate reconvened at 11:29 a.m. President Essmann presiding. All members present.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 26 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 42

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Ripley, Sales, Webb, Wittich.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 25 concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Mr. President.
Total 26

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Wittich.
Total 24

Absent or not voting: None.

Total 0

Excused: None.
Total 0

HJR 30 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 41

Nays: Arthun, Barrett Dick, D. Brown, Facey, Kaufmann, Phillips, Sales, Webb, Wittich.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 120, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 46

Nays: Augare, Stewart-Peregoy, Vuckovich, Windy Boy.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 96, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Larsen, Lewis, Moore, Murphy, Olson,

Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.
Total 34

Nays: Augare, Barrett Dick, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Vuckovich, Wanzenried, Windy Boy.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 348, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 45

Nays: Priest, Rosendale, Sales, Taylor, Wittich.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 28, **as amended by the Governor**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 337, **as amended by the Governor**, passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Moore, Sales, Wittich.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Rosendale moved the Senate override the Governor's veto of **HB 522**.

Senator Blewett moved a **substitute motion** to table **HB 522**. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Thereupon, the Senate reverted to the original motion of Senator Rosendale which **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Free Conference Committee Report No.1 adopted: 4/24/2013
SB 96, introduced by Tutvedt
SB 148, introduced by L. Jones

Governor's amendments to **Senate bill** concurred in and returned to the Senate: 4/24/2013
SB 28, introduced by Thomas

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments. This bill is being returned after the deadline for appropriation bills and requires a two-thirds vote for the bill to be considered by the Senate. 4/24/2013
SB 410, introduced by Ripley

Senate amendments to House bills concurred in: 4/24/2013
HB 129, introduced by Gibson
HB 265, introduced by Fitzpatrick

Conference Committee Report No.1 adopted: 4/24/2013
HB 431, introduced by Knudsen

Free Conference Committee Report No.1 adopted: 4/24/2013
HB 120, introduced by Ingraham
HB 218, introduced by Ankney
HB 240, introduced by C. Smith

Governor's amendments to **House bills** concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/24/2013
HB 359, introduced by Fitzpatrick
HB 554, introduced by B. Smith

MOTIONS

Senator Wittich moved the Senate suspend its rules to accept the late transmittal of **SB 410**, as amended by the House, and that **SB 410** come before the Committee of the Whole this date. Motion **failed** (2/3 vote required) as follows:

Yeas: Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.
Total 27

Nays: Arntzen, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate recessed at 11:43 a.m. Senate reconvened at 1:39 p.m. Senator Essmann presiding. All members present.

MOTIONS

Senator Sesso moved the Senate suspend its rules to accept the late transmittal of **SB 410**, as amended by the House, and that **SB 410** come before the Committee of the Whole this date.

Senator Debby Barrett moved a **substitute motion** to adjourn sine die. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich.
Total 22

Nays: Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips,

Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Thereupon, the Senate reverted to the original motion of Senator Sesso which **failed** (2/3 vote required) as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Mr. President.
Total 33

Nays: Barrett Debby, Boulanger, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Taylor thanked the Pages for their service this week, and thanked Joyce Nachtsheim, page supervisor this session, for her work.

SR 77 - Senator Priest moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 77**. The motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Barrett Dick.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 68 - Senator Brenden moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 68**. The motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 41

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Ripley, Sales, Sonju, Taylor, Thomas.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 69 - Senator Brenden moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 69**. The motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Jackson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 70 - Senator Van Dyk moved that the nomination transmitted by the Governor be confirmed

by the Senate in accordance with **SR 70**. The motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Mr. President.
Total 38

Nays: Brenden, D. Brown, Jackson, Lewis, Murphy, Olson, Rosendale, Sales, Sonju, Taylor, Webb, Wittich.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 58 - Senator Jergeson moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 58**. The motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 23

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Olson rose on a point of order. President Essmann responded to the question.

MOTIONS

Senator Sesso moved the Senate suspend its rules to accept the late transmittal of **SB 410**, as amended by the House, and that **SB 410** come before the Committee of the Whole this date.

Senator Debby Barrett moved a **substitute motion** to adjourn sine die. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Thereupon, the Senate reverted to the original motion of Senator Sesso which **failed** as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Taylor, Thomas, Walker, Webb, Wittich.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate recessed for a brief period. Senate reconvened at 2:27 p.m. President Essmann presiding. All members present.

MOTIONS

Senator Priest moved the Senate suspend its rules to accept the late transmittal of **SB 410**, as amended by the House, and that **SB 410** come before the Committee of the Whole this date.

Senator Ripley moved a **substitute motion** to adjourn sine die. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Windy Boy, Wittich.
Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Thereupon, the Senate reverted to the original motion of Senator Priest which carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.
Total 37

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Jackson, Moore, Ripley, Rosendale, Taylor, Walker, Webb, Wittich.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the Senate recess to allow for distribution of material to members' desks. Without objection so ordered.

Senate recessed at 2:32 p.m. Senate reconvened at 2:42 p.m. President Essmann presiding. All members present.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion Carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 206 - **Conference Committee Report No. 1** - Senator Sales moved the Conference Committee report to **HB 206** be adopted. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 30

Nays: Barrett Debby, Blewett, Boulanger, Brenden, D. Brown, Caferro, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Thomas, Tropila, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410 - **House Amendments** - Senator Ripley moved House amendments to **SB 410** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 29

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wittich moved the committee **rise and report**. Motion Carried. Committee arose. Senate resumed. President Essmann presiding. Chair Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.
Total 34

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Moore, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 206, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried.
Total 29

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Caferro, Moore, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410, **as amended by the House**, passed as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 28

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Caferro, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

Senator Dick Barrett moved to change his vote on **SR 77** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Minority Leader Sesso and Majority Leader Wittich made closing remarks to the Senate.

Majority Leader Wittich moved that the Senate adjourn Sine Die. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senate adjourned Sine Die at 3:09 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate

SENATE JOURNAL
63RD LEGISLATURE
ADDENDUM

Helena, Montana
2013

Senate Chambers
State Capitol

BILLS AND JOURNALS (Buttrey, Chair): 4/25/2013

Correctly enrolled: **SB 282**, **SB 410**, **SR 68**, **SR 69**, **SR 70**, **SR 77**.
Signed by the Secretary of the Senate at 8:25 a.m., April 11, 2013: **SB 364**.
Signed by the Secretary of the Senate at 11:00 a.m., April 17, 2013: **SB 84**, **SB 324**, **SB 336**.
Signed by the Secretary of the Senate at 2:50 p.m., April 23, 2013: **SB 69**, **SR 40**, **SR 49**, **SR 64**, **SR 65**, **SR 66**, **SR 67**, **SR 75**.
Signed by the Secretary of the Senate at 10:50 a.m., April 24, 2013: **SB 394**.
Signed by the Secretary of the Senate at 1:55 p.m., April 25, 2013: **SB 28**, **SB 45, SB 96, SB 148**, **SB 198, SB 215**, **SB 223**, **SB 297**, **SB 305**, **SB 323**, **SB 335**, **SB 342, SB 410, SB 348**, **SJR 15, SJR 18**.
Signed by the Secretary of the Senate at 2:05 p.m., April 25, 2013: **SB 346**.
Signed by the President at 4:00 p.m., April 24, 2013: **SB 69**, **SB 394**, **SR 40**, **SR 49**, **SR 64**, **SR 65**, **SR 66**, **SR 67**, **SR 75**.
Signed by the President at 2:00 p.m., April 25, 2013: **SB 28**, **SB 45**, **SB 84**, **SB 96**, **SB 148**, **SB 198**, **SB 215**, **SB 223**, **SB 297**, **SB 305**, **SB 323**, **SB 324**, **SB 335**, **SB 336**, **SB 342**, **SB 346**, **SB 348**, **SB 364**, **SB 410**, **SJR 15**, **SJR 18**.
Signed by the President at 3:40 p.m., April 25, 2013: **SB 282**, **SR 68**, **SR 69**, **SR 70**, **SR 77**.
Signed by the Speaker at 1:00 p.m., April 25, 2013: **SB 201**, **SB 264**, **SB 265**, **SB 280**, **SB 369**, **SB 392**, **SJR 26**.
Signed by the Speaker at 1:10 a.m., April 25, 2013: **SB 69**, **SB 101**, **SB 256**, **SB 394**.
Signed by the Speaker at 1:30 p.m., April 25, 2013: **SB 23**, **SB 44**, **SB 117**, **SB 162**, **SB 196**, **SB 217**, **SB 226**, **SB 231**, **SB 240**, **SB 370**, **SB 386**, **SB 401**, **SJR 14**, **SJR 20**, **SJR 22**, **SJR 23**, **SJR 24**.
Signed by the Speaker at 3:15 p.m., April 25, 2013: **SB 28**, **SB 148**, **SB 215**, **SB 223**, **SB 297**, **SB 305**, **SB 323**, **SB 335**, **SB 348**, **SJR 18**.
Signed by the Speaker at 3:20 p.m., April 25, 2013: **SB 96**, **SB 198**, **SB 342**, **SJR 15**.
Signed by the Speaker at 3:25 p.m., April 25, 2013: **SB 45**, **SB 410**.
Signed by the Speaker at 3:30 p.m., April 25, 2013: **SB 84**, **SB 324**, **SB 336**.
Signed by the Speaker at 3:50 p.m., April 25, 2013: **SB 269**, **SB 346**, **SB 364**.
Signed by the Speaker at 4:15 p.m., April 25, 2013: **SB 282**.
Delivered to the Governor at 3:13 p.m., April 25, 2013: **(GA not concurred)SB 19**, **SB 125**, **SB 337**, **SB 347**.
Delivered to the Secretary of State at 3:10 p.m., April 25, 2013: **SR 31**, **SR 40**, **SR 43**, **SR 46**, **SR 48**, **SR 49**, **SR 51**, **SR 52**, **SR 53**, **SR 55**, **SR 56**, **SR 57**, **SR 59**, **SR 60**, **SR 61**, **SR 62**, **SR 64**, **SR 65**, **SR 66**, **SR 67**, **SR 72**, **SR 73**, **SR 74**, **SR 75**, **SR 76**.

SENATE JOURNAL
ADDENDUM
63RD LEGISLATURE

BILLS AND JOURNALS (Buttrey, Chair): 4/26/2013

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eighty-third through eighty-seventh legislative days, find the same to be correct.

Signed by the Secretary of the Senate at 11:30 a.m., April 26, 2013: **SB 282**, **SR 68**, **SR 69**, **SR 70**, **SR 77**.

Delivered to the Governor at 12:01 p.m., April 26, 2013: **SB 23**, **SB 28**, **SB 44**, **SB 45**, **SB 69**, **SB 81**, **SB 84**, **SB 96**, **SB 101**, **SB 117**, **SB 148**, **SB 162**, **SB 175**, **SB 196**, **SB 198**, **SB 201**, **SB 215**, **SB 217**, **SB 223**, **SB 226**, **SB 231**, **SB 240**, **SB 256**, **SB 264**, **SB 265**, **SB 269**, **SB 280**, **SB 282**, **SB 297**, **SB 305**, **SB 323**, **SB 324**, **SB 335**, **SB 336**, **SB 342**, **SB 346**, **SB 348**, **SB 364**, **SB 369**, **SB 370**, **SB 386**, **SB 392**, **SB 394**, **SB 401**, **SB 410**.

Delivered to the Secretary of State at 12:30 p.m., April 26, 2013: **SR 14**, **SR 15**, **SR 18**, **SR 20**, **SR 22**, **SR 23**, **SR 24**, **SR 26**, **SR 68**, **SR 69**, **SR 70**, **SR 77**.

MESSAGES FROM THE GOVERNOR

April 24, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Wednesday, April 24, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 20 – Jent
Senate Bill 127 – Buttrey
Senate Bill 154 – Vincent
Senate Bill 179 – Kaufmann
Senate Bill 242 – Sesso
Senate Bill 345 – Vincent

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
63RD LEGISLATURE

April 25, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Thursday, April 25, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 94 - D. Brown
Senate Bill 158 - Thomas
Senate Bill 160 - Tropila
Senate Bill 191 - T. Brown
Senate Bill 200 - Vincent
Senate Bill 301 - Murphy

Sincerely,

STEVE BULLOCK
Governor

April 26, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Friday, April 26, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 108 -T. Brown
Senate Bill 139 - Walker
Senate Bill 178 - Van Dyk
Senate Bill 183 - Arntzen
Senate Bill 203 - Buttrey
Senate Bill 275 - Buttrey

Senate Bill 355 - Hamlett
Senate Bill 357 - Facey

I have vetoed:

Senate Bill 31 - Debby Barrett
Senate Bill 105 - T. Brown
Senate Bill 114 - Taylor
Senate Bill 138 - Wittich
Senate Bill 236 - Olson
Senate Bill 250 - Debby Barrett,
Senate Bill 302 - Arntzen
Senate Bill 344 - Vincent.

I have returned **Senate Bill 144** - Sesso and **Senate Bill 294** - Arntzen to the Secretary of State without signature.

Sincerely,

STEVE BULLOCK
Governor

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 31** (SB 31), "AN ACT REVISING THE DEFINITION OF "ELIGIBLE RENEWABLE RESOURCE" UNDER THE MONTANA RENEWABLE POWER PRODUCTION AND RURAL ECONOMIC DEVELOPMENT ACT AND INCLUDING HYDROELECTRIC RESOURCES WITHIN THE DEFINITION; AMENDING SECTIONS 69-3-2003, 90-3-1003, AND 90-4-1005, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 31 amends Montana's Renewable Power Production and Rural Economic Development Act (Act), passed by the 2005 Legislature, by allowing all new hydroelectric power plants, regardless of capacity, that commence commercial operation after January 1, 2013, to be

defined as an eligible renewable resource under the Renewable Portfolio Standard (RPS).

The intent of the 2005 Act was to incentivize diverse rural economic development, and it has been tremendously successful. For example, wind development in Montana has led to approximately $1.5 billion in capital investment, $23 million in property taxes collected, and approximately $1.5 million annually in lease payments to landowners.

Hydroelectric facilities have been an enduring and important component in the Montana energy system and hydroelectricity is clean, renewable energy. However, passage of SB 31 at this time is not advised for several reasons.

First, the current RPS allows certain small hydroelectric facilities that create no new impoundment to qualify. This legislation was carefully crafted to balance the benefits of hydroelectric power with its impacts and foster the development of multiple projects across the state. Allowing any and all new hydroelectric facilities to qualify for the RPS would upset this carefully crafted balance.

Second, the current RPS is a tightly woven legislative framework built around a 15 percent standard. SB 31 is a significant expansion of the scope of the RPS which should merit a thoughtful review of the standard.

Finally, the passage of Senate Joint Resolution 6 (SJ 6) in this session, with broad bipartisan support, calls for an interim study of the 2005 Act to assess its effectiveness. I applaud SJ 6 and look forward to a public accounting of its benefits. A significant change to the RPS in light of the interim study, such as that proposed by SB 31, is ill timed.

For these reasons, I veto SB 31.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 105** (SB 105), "AN ACT PROHIBITING THE ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT A PROPOSED USE UNDER CERTAIN CIRCUMSTANCES; PROHIBITING ESTABLISHMENT OF AN INTERIM ZONING DISTRICT OR INTERIM REGULATION TO PREVENT AGRICULTURAL ACTIVITIES; AND AMENDING SECTION 76-2-206, MCA."

When there is an emergency involving public health, safety or welfare, the public wants their locally-elected officials to act decisively to address the problem. Interim zoning is often utilized by local officials to protect the public, including the protection of private property rights when those rights are threatened by unexpected land use proposals.

SB 105 prevents locally-elected public officials from acting in the manner they believe is necessary to serve the best interests of their communities, and unreasonably tips the balance of property rights in favor of persons proposing certain uses subject to regulation by state agencies over those of adjacent landowners.

Under SB 105, a county would be unable to apply interim zoning to a proposed use that is subject to regulation by a state agency under Title 75 (air quality, water quality, solid waste, hazardous waste, underground storage tanks, outdoor advertising, junkyards, transmission lines, pipelines, and hydroelectric facilities), Title 76, Chapter 4 (sanitation in subdivisions), or Title 82 (mining and oil and gas operations and reclamation), MCA. While such activities are regulated by a state agency, many aspects of these activities are not regulated, such as the potential impacts on local traffic, schools, emergency services, and compatibility with surrounding uses of private property.

In some cases these impacts can be addressed only with interim zoning while local public officials study the issues and consider long-term options to minimize or avoid the impacts to the private property rights of adjacent landowners and to the community at large.

Under SB 105, the prohibition against interim zoning is triggered by the simple act of a person submitting an application to the applicable state agency, and once triggered, is in effect for an indefinite period of time. Yet under most state permitting processes, this submission is the first time that the public and adjacent landowners are officially made aware of the proposed use. This is unfair, and not only discourages public participation in government, but also prevents locally-elected public officials from conducting a thoughtful review of the activity.

SB 105 also prevents a local government from establishing an interim zoning district or regulation that would prevent agricultural activities, but this language is unnecessary since existing law already limits local government power in this regard.

Interim zoning is an important tool for counties to carefully evaluate and address the impacts to public health, safety or welfare resulting from an emergency situation. Private landowners also have legitimate interests. They should be able to seek state agency approval for a proposed use without interim zoning being used in an inappropriate manner to prohibit that use. They should also be assured that if their property rights are threatened by a proposed use on an adjacent piece of land, then their locally-elected officials will have the power to protect them. SB 105 strikes an unfair balance between these competing interests.

I proposed amendments to address these issues, but they were rejected. Therefore, I now veto SB 105.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 114** (SB 114), "AN ACT MAINTAINING THE SAME YEAR LONG REGISTRATION PERIOD AFTER THE TRANSFER OF A VEHICLE TO A SUBSEQUENT OWNER; AMENDING SECTIONS 61-3-311 AND 61-3-317, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

SB 114 changes the registration date on motor vehic1es, trailers, semi-trailers, or pole trailers from the date when ownership is transferred to the date when a vehicle is first registered. Under this proposal, the purchaser of a used vehicle will not have to register the vehicle until the vehicle's registration renewal date. The impact of SB 114 is a significant loss of revenue to

state and county general funds.

The budget I proposed was balanced, left money in the bank for a rainy day, cut taxes for small businesses and homeowners, and maintained critical services. I laid out clear and basic expectations for the Legislature in preparing a budget. First, Montana's budget needs to be in structural balance--we cannot spend more than we take in. Second, to ensure sound fiscal management, the Legislature needs to maintain a reserve of $300 million in ending fund balance. Finally, essential services and long-term liabilities must be addressed before the Legislature creates new programs or tax expenditures. However well-intentioned SB 114 may be, we simply cannot afford it.

For these reasons, I veto SB 114.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 138** (SB 138), "AN ACT EXTENDING CLASS FOURTEEN PROPERTY TAX CLASSIFICATION TO ALL FUTURE ELECTRICAL GENERATION FACILITIES AND FUEL AND GAS PRODUCTION FACILITIES; EXPANDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-6-137, 15-6-141, 15-6-156, 15-6-157, 75-20-104, AND 75-20-304, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 138 ostensibly seeks to "level the playing field" between the tax treatment for renewables and that for traditional hydrocarbon generation. However, the playing field is much more equitable than the proponents of SB 138 would acknowledge. For example: fossil fuel exploration, production, and distribution activities get a number of tax incentives that

renewables do not; renewables can be required to pay impact fees to counties at the front end that fossil fuel projects are not required to pay; and renewable projects have higher up-front capital costs than a similar size fossil fuel generator (e.g., taxable property for a wind farm is approximately twice the taxable value than the same size facility that uses natural gas as a fuel).

The incentives for the production of oil, natural gas, and coal as well as wind and other renewable resources have been carefully crafted by the Legislature over many decades to ensure Montana can continue to pursue an "all of the above" energy portfolio, which I support. SB 138 substantially upsets that balance.

Further, SB 138 offers a 3 percent tax rate to electrical generation facilities classified as Class 14 on June 30, 2013, or commencing construction after June 30, 2013. There is no difference in these facilities from existing ones except for the date on which they were classified as Class 14. Montana law requires that "under the rational basis test, classifications must be reasonable, not arbitrary, and they must bear a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike." Eisenstadt v. Baird, 405 U.S. 438, 447 (1972). There is no rational basis for treating new electrical generation facilities differently than existing ones. If the bill provided a lower tax rate to encourage new or cleaner technology (as does current section 15-6-157, MCA), then a rational basis might exist for the differing treatment. However, a change in date is not a rational basis.

For these reasons, I veto SB 138.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the

State of Montana, I hereby **veto Senate Bill 236** (SB 236), "AN ACT TEMPORARILY INCREASING THE COAL SEVERANCE TAX ALLOCATION TO THE COAL NATURAL RESOURCE ACCOUNT; ESTABLISHING THE INCREASE UNTIL JUNE 30, 2019; AMENDING SECTION 15-35-108, MCA; AND PROVIDING AN EFFECTIVE DATE."

From October 1, 2013 until June 30, 2019, SB 236 increases the coal severance tax allocations to the coal natural resource account from 2.9 percent to 5.8 percent. Unfortunately, SB 236 impedes the funding mechanism of House Bill 454 (HB 454), which will use spendable interest from the permanent fund of the coal tax trust to fix the public employees retirement system and to help offset the costs of local governments.

HB 454 will temporarily increase employee and employer contributions to the public employee retirement system until the system is determined to be actuarially sound. It utilizes some of the spendable interest from the permanent fund of the coal tax trust, coal severance tax revenues and state land revenues to assist local governments in meeting their financial obligations. As outlined in the budget I submitted to the Legislature, we have an obligation to address our long-term liabilities, and this obligation includes fixing our retirement systems. Article VIII, Section 15 of the Montana Constitution compels us to act, and SB 454 provides a comprehensive solution of shared sacrifice to shore up our public employee retirement system without raising taxes.

Under SB 236 the amount distributed to the coal natural resource account would increase by $1.429 million in FY 2014 and by $1.972 million in FY 2015, and would increase each year thereafter until FY 2020. The distribution of the coal severance tax revenue to the general fund would decrease by an equal amount.

Finally, if SB 236 is signed into law, there is no corresponding appropriation in House Bill 2 (HB 2) to provide funding for it. SB 236 would create an increased account balance for the coal natural resources account with no corresponding authority for the Department of Commerce to spend the increased fund balance.

For these reasons, I veto SB 236.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 250** (SB 250), "AN ACT CREATING REQUIREMENTS FOR THE GOOD NEIGHBOR POLICY AND FOR LAND ACQUISITIONS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; PRIORITIZING MAINTENANCE ON ACQUIRED LANDS; DELETING REPORTING REQUIREMENTS; REMOVING THE STATUTORY APPROPRIATION FOR MAINTENANCE OF ACQUIRED LANDS; REPEALING THE SUNSET ON GOOD NEIGHBOR LAWS; AMENDING SECTIONS 17-7-502, 23-1-126, 87-1-209, AND 87-1-230, MCA; REPEALING SECTION 8, CHAPTER 427, LAWS OF 2009; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The Montana Department of Fish, Wildlife & Parks (FWP), members of the Legislature, hunters, anglers, landowners, and virtually all Montanans share the common goal of ensuring that state government has the authority, direction, funding, and staffing necessary to effectively and efficiently operate and maintain state-owned land. SB 250 is directly contrary to that goal.

Existing law requires that when FWP purchases land, it must deposit an amount equal to 20 percent of the purchase price into a maintenance account. SB 250 unreasonably earmarks these deposits specifically to each property, rather than allowing FWP the flexibility it needs for operations and maintenance on the highest priority needs. This restriction would result in some properties having unspent funds sitting in earmarked accounts, while other properties lack the funds necessary to provide needed care.

FWP, like any landowner, must be able to determine maintenance priorities according to need. Whether it is weed infestations, fences that need fixing, impassable roads, or a multitude of other issues faced by landowners, FWP must be able to respond, and should not be limited by an arbitrary formula that serves no purpose. As demonstrated by recent unforeseen or catastrophic events, like the wildfires in eastern Montana last year, or the major flooding of the previous year, FWP needs the flexibility to move operations and maintenance funding from one property to another.

I strongly endorse the "good neighbor policy" as a critical tool for improving the relationship between FWP and landowners. I note that a bill which would have continued this worthwhile program, without playing politics, was tabled in the Senate Fish and Game Committee. That's a shame.

I have asked FWP and the FWP Commission to do a critical assessment of the agency's land

holdings, including the successes and challenges of the good neighbor policy. I am hopeful that this review will provide an opportunity for productive public dialogue which, sadly, has been lacking.

For these reasons, I veto SB 250.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 302** (SB 302), "AN ACT REVISING THE PROCESS FOR THE BOARD OF PUBLIC EDUCATION TO PRESENT PROPOSED ACCREDITATION STANDARDS TO A LEGISLATIVE COMMITTEE; CLARIFYING THE PROCESS FOR CONDUCTING AN ANALYSIS OF THE FISCAL IMPACT OF THE PROPOSED ACCREDITATION STANDARDS; REQUIRING ACCREDITATION STANDARDS PROPOSED DURING THE INTERIM WITH A PROJECTED FISCAL IMPACT TO BE INCLUDED IN THE OFFICE OF PUBLIC INSTRUCTION'S EXECUTIVE BUDGET; PROVIDING FOR A DELAYED IMPLEMENTATION DATE FOR THE BOARD OF PUBLIC EDUCATION'S PROPOSED STANDARDS EXCEPT FOR THOSE WITH NO PROJECTED FISCAL IMPACT; REQUIRING THE BOARD TO PRESENT ACCREDITATION STANDARDS PROPOSED DURING A REGULAR LEGISLATIVE SESSION DIRECTLY TO THE JOINT APPROPRIATIONS SUBCOMMITTEE THAT CONSIDERS EDUCATION; AND AMENDING SECTION 20-7-101, MCA."

SB 302 unnecessarily complicates the process of adopting changes to the Montana public schools accreditation standards by creating a new unfunded mandate, and intrudes on the authority of the Governor, the Superintendent of Public Instruction and the Board of Public Education (BPE).

First, the bill requires a new step in the fiscal analysis of proposed rule changes by the BPE. Section 20-7-101, MCA, is amended to require an independent third party to develop a fiscal analysis of proposed changes to the accreditation standards which may be submitted to the Education and Local Government Interim Committee brought forward by the Board of Public Education. However, no appropriation was provided to the Legislative Services Division nor the BPE to fulfill this new mandate. This effectively prohibits actions on the part of the BPE during this interim which is constitutionally granted "general supervision" of Montana's K-12 schools under Article X, Section 9.

Further, the bill stipulates that the Superintendent of Public Instruction shall include the fiscal analysis in the Office of Public Instruction's budget request pursuant to 17-7-112, MCA, for presentation to the Legislature in the next regular session after completion of the fiscal analysis. Section 17-7-112, MCA does not empower the Superintendent of Public Instruction to submit anything to the Legislature but rather governs the preparation and presentation of the Executive Budget. Nothing in SB 302,20-7-101, MCA, or 17-7-112, MCA, requires the Governor or budget director to include any cost analysis performed by either the Legislative Fiscal Division, as current law stipulates, or the new third party in the Executive Budget.

The new requirements of SB 302 are further complicated by the provisions of Section 1, subsection 3(c) of the bill which require presentation to the Joint Appropriations Subcommittee on Education even though that subcommittee disperses prior to March 1 and would, therefore, have no ability to consider the fiscal analysis for, potentially, another two years.

The current check and balance of authority between locally elected schools boards, the BPE, Superintendent, Legislature and Governor's Office is delicate and should not be tampered with lightly. The current provisions of law do require greater communication and cooperation among these entities to ensure our children have access to great schools and curriculum. I remain committed to facilitating such a dialogue as chairman of the Board of Education. SB 302 does not improve communications between elected officials and the various governing boards of our quality education system and actually actively seeks to impair it.

For these reasons, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 344** (SB 344), "AN ACT PROVIDING A PUBLIC SCOPING PROCESS FOR CERTAIN LAND ACQUISITIONS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AMENDING SECTION 87-1-218, MCA; AND PROVIDING A TERMINATION DATE."

SB 344 would require the Department of Fish, Wildlife & Parks (FWP) to engage in additional public scoping before making any land acquisition of 640 acres or greater.

I strongly support expanding hunting, fishing and outdoor recreational opportunities for all Montanans. Our ability to enjoy Montana's world-renowned hunting and fishing, whether to feed our families or put a trophy on the wall, is an important part of our way of life. Whether it is a fishing access site where we can take our kids to pass on our heritage, or the acquisition of key elk wintering range, FWP land acquisitions are about making sure we protect the best of Montana.

President Teddy Roosevelt said that "[I]n a civilized and cultivated country, wild animals only continue to exist at all when preserved by sportsmen." That was true then and it is true today. Montana's sportsmen and women continue to play a leadership role in creating a wildlife legacy for all Montanans to enjoy, now and into the future.

So it is with regret that I note that the Legislature, in House Bill 5, has chosen to significantly limit future habitat acquisitions by the State of Montana over the next biennium. And that the Senate, on a largely partisan vote (including the sponsor of this bill), refused an amendment that would have restored compromise language that was acceptable to both this administration and members of the House. The funds that would be restricted come directly from the purchase of hunting and fishing licenses by sportsmen and women. It is ironic that these same legislators now want to pass legislation like SB 344 to ostensibly improve a process that they do not want to happen.

Hopefully in the future we can have a more sensible dialogue on these issues. That is why I have directed the new FWP Commission to undertake a thorough and public review of the agency's land holdings and management policies. I expect that this process will yield valuable information that will help inform a productive public discussion.

Montana's sportsmen and women may rest assured that I support their tireless work to

preserve our state's great wildlife herds, blue ribbon fisheries, and hunting and fishing opportunities, as cornerstones of our way of life.

For these reasons, I veto SB 344.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

April 29, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Monday, April 29, 2013, I returned **Senate Bill 325** - Olson to the Secretary of State without signature.

Sincerely,

STEVE BULLOCK
Governor

April 30, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Tuesday, April 30, 2013, I signed and delivered the following Senate bills to the Secretary of

State:

Senate Bill 28 - Thomas
Senate Bill 45 - Keane
Senate Bill 69 - Walker
Senate Bill 84 - Kaufmann
Senate Bill 348 - Thomas

Sincerely,

STEVE BULLOCK
Governor

May 1, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Wednesday, May 1, 2013, I signed and delivered the following Senate bills to the Secretary of State:

Senate Bill 196 - Rosendale
Senate Bill 198 - Thomas
Senate Bill 324 - Rosendale

Sincerely,

STEVE BULLOCK
Governor

May 3, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Friday, May 3, 2013, I vetoed the following bills:

Senate Bill 19 - Hamlett
Senate Bill 125 - Olson
Senate Bill 265 - Jackson
Senate Bill 337 - Hamlett
Senate Bill 347 - Vincent

Sincerely,

STEVE BULLOCK
Governor

May 3, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 19** (SB 19), "AN ACT DEFINING THE TERM 'COMBINED APPROPRIATION' FOR WATER WELLS AND DEVELOPED SPRINGS THAT ARE EXEMPT FROM PERMITTING; CLARIFYING THE DEFINITION OF THE TERM 'DEVELOPED SPRING'; AND AMENDING SECTIONS 85-2-102 AND 85-2-306, MCA."

As I indicated in my amendatory veto letter, SB 19 would limit the ability of senior water right holders to protect their property rights. "First in time, first in right" is a bedrock principle of water law, but any right is only as good as one's ability to protect it. SB 19 would perpetuate a system where many water wells could be developed in close proximity to one another, collectively pump substantial amounts of water, and the holder of an adjacent senior water right would be

powerless to protect that right. Although senior water rights are held by many individuals and entities in this state, including cities and towns, hydroelectric facilities, and many others, a great many of our agricultural producers hold senior water rights.

I am very concerned about the impacts of SB 19 on agriculture, the largest sector of our economy. For example, if an agricultural producer seeks to develop a well for a center pivot to irrigate 100 acres of alfalfa, he or she must rightfully go through the State's permitting process in order to show that the water is both legally available and its use will not have an adverse effect on more senior water rights. However, under SB 19, if a subdivision is built next door and includes a well for each lot that, cumulatively, uses the same amount of water, no permit is required. Moreover, there is no basis for the senior water right holder to object. This makes no sense, and equity alone dictates that the permitting process should apply.

I am cognizant of the impacts of SB 19 on other uses, in particular land development. It is appropriate and necessary to have some threshold for well development that encourages development by allowing for new wells without the rigors of permitting.

I proposed amendments that would have provided some measure of protection for senior water rights holders while providing a great deal of flexibility for new development by allowing for multiple new exempt wells on a single parcel, protecting landowners from development on neighboring parcels, and preserving existing rights. The Senate agreed my amendments were a good idea. The House refused to consider them at all. I am surprised that the House leadership refused to consider the needs of our state's agricultural sector.

Unfortunately, SB 19 tips too far away from senior water rights and prior appropriation and does not address concerns that many individuals and organizations have with the cumulative effects of multiple, concentrated exempt wells. For these reasons, I am vetoing SB 19.

I encourage all interests to work together to find an acceptable balance in the upcoming rulemaking before the Department of Natural Resources and Conservation.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

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May 3, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 125** (SB 125), "AN ACT ESTABLISHING THAT THE PUBLIC SERVICE COMMISSION MAY IMPOSE AN ADMINISTRATIVE PENALTY FOR FAILURE TO COMPLY WITH THE GRADUATED RENEWABLE ENERGY STANDARD AND FOR FAILURE TO COMPLY WITH THE COMMUNITY RENEWABLE ENERGY PROJECT REQUIREMENT; AMENDING SECTION 69-3-2004, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 125 amends Montana's Renewable Power Production and Rural Economic Development Act (Act), passed by the 2005 Legislature, by clarifying the calculation of an administrative penalty for failure to comply with the Community Renewable Energy Project (Community Project) requirement, and by substantially reducing the penalty that would apply under current law.

Certain entities subject to the Act are required to purchase a minimum portion of their energy load from renewable resources. Satisfying this requirement must include a certain amount of purchases from Community Projects.

The Act was intended to create incentives for economic development and jobs through the production of renewable power commencing operation after January I, 2005, and it has been tremendously successful. The Community Project requirement, in part, was intended to ensure that those economic benefits and jobs were well distributed across the state, including to rural communities and Montana owners.

If an entity is unable to meet either the minimum standard or the Community Project requirement, an administrative penalty may be assessed by the Montana Public Service Commission (PSC). The PSC may also grant a short-term waiver from the substantive requirements and the penalty.

There is an ambiguity in current law as to the calculation of the administrative penalty for failure to meet the Community Project requirement. Although SB 125 clarifies this ambiguity, the bill sets the penalty too low to provide sufficient incentive for an entity to comply with Community Project requirements or work with the PSC to obtain a waiver. I also thought the penalty under current law was too high and proposed amendments to set a more reasonable penalty, but the Senate leadership refused to consider them.

Unfortunately, the ambiguity in the law will remain but the PSC will still be able to set a penalty that provides the necessary incentive for compliance with the Community Project requirements, ensuring the local economic benefits intended by the Act.

For these reasons, I now veto SB 125.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 3, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 265** (SB 265), "AN ACT EXTENDING THE SUSPENSION OF WATER RIGHT ADJUDICATION DURING NEGOTIATIONS OF INDIAN AND FEDERAL RESERVED WATER RIGHTS; REQUIRING AN INTERIM STUDY; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 85-2-217 AND 85-2-702; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SB 265 extends the suspension of adjudication of Indian and federal water rights claims from July 1, 2013, to July 1,2015. The bill also requires the legislative Water Policy Interim Committee (WPIC) to conduct meetings concerning the proposed compact that has been negotiated between the Confederated Salish & Kootenai Tribes (CSKT), the State of Montana, and the United States. Further, the WPIC is to prepare a study of issues related to the compact; create new legislation with regard to the compact; and make recommendations as to the adoption of the compact to the 64th Legislature.

In 1979, the Legislature created the Montana Reserved Water Rights Compact Commission (Commission) for the express purpose of negotiating quantification agreements for tribal and federal claims to water within the boundaries of this state. The Commission has successfully negotiated 18 of these federal and tribal water compacts. These compacts include two adopted

this session: the Upper Missouri Breaks National Monument Water Compact and the C.M. Russell National Wildlife Refuge Water Compact. With great foresight, the Montana Legislature created a negotiation process that has proven to be highly durable and successful.

Unfortunately, SB 265 comes to my desk because the Legislature has failed--for the first time in the 34-year history of the Commission--to adopt a state-tribal compact negotiated in good faith. The proposed water compact with the CSKT is the culmination of years of negotiation, legal and technical work, and public involvement. Despite the importance of this compact to the economic future of western Montana and to the timely completion of the statewide General Stream Adjudication, the agreement was never allowed a vote on the floor of the Senate or the House. Instead, the Legislature proposes to extend the deadline for suspension of the adjudication of tribal water rights, presumably to allow for further negotiations over the CSKT's claims.

I now veto SB 265 for the following reasons. First, the CSKT and the Commission have completed negotiations and agreed to a water compact. Both sides have made concessions. The compact is a reasonable settlement of the CSKT's water rights claims that provides necessary protections for all affected water users in Montana, including those in eastern Montana who might otherwise be impacted by the claims the CSKT could file in the Adjudication and who are wholly protected from that possibility by the compact. It was made clear during the committee hearings on this bill and on the proposed compact that there is no reason to believe the CSKT would agree to reopen negotiations. Even if further negotiations were deemed necessary or appropriate, the CSKT and the state can mutually agree to do so at any time, without SB 265.

Second, the bill unnecessarily extends the deadline for suspension of the adjudication of tribal water rights claims. Pursuant to 85-2-702 (3), the CSKT have two years to file their claims after the current suspension ends on July I, 2013. Therefore, even without the extension contained in SB 265, the CSKT's claims do not have to be filed until July 1,2015, after the conclusion of the 2015 legislative session. To the extent the purpose behind SB 265 is to allow time for the current compact to be better understood in advance of the 2015 session, current law allows for that process without the need for an extension. Additionally, with or without SB 265, it is entirely up to the CSKT whether and when in the next two years they file their claims. Nothing in SB 265 does or can limit the CSKT's ability to file claims at any time if they so choose. That decision will be made by the CSKT based on their own assessment of whether the state will enter into a fair compact with them.

Third, adding two more years to the suspension simply serves to delay the completion of Montana's General Stream Adjudication. In testimony to the Legislature, Water Court Chief Judge Bruce Loble has identified the lack of resolution of tribal and federal water rights claims as a critical barrier to concluding the adjudication. The CSKT's rights are the last set of tribal claims that need to be quantified. In the event the Legislature does not approve a negotiated settlement, those claims must be litigated before the Adjudication can be complete. The CSKT has estimated to the Department of Natural Resources and Conservation (DNRC) that, absent a compact, up to 10,000 claims might be filed in basins both within and outside of the Flathead Indian Reservation. Each of those claims would need to be examined by the DNRC and then

issued by the Water Court as part of one or more preliminary decrees before those claims can be finally adjudicated. Moreover, those claims, to the extent they are finally adjudicated, need to be incorporated into basin-wide decrees before the Adjudication's work is finished. An additional two-year delay in filing further slows progress toward a final adjudication. Such a delay leaves state water users with tremendous uncertainty, makes it difficult to protect Montana's water from demands from neighboring states and Canada, postpones future land and water development in western Montana, and will undermine the legislative directive to the DNRC and the Water Court to ensure the issuance of all preliminary decrees by 2020.

Finally, SB 265's insertion of the WPIC into the compacting process is unnecessary. The Legislature created the Commission to be the state entity responsible for negotiating water rights quantification agreements with Indian tribes and the United States, and nothing in SB 265 alters that arrangement. With this letter I am directing the Commission, working with DNRC, the CSKT, the Flathead Joint Board of Control, the United States, and other interested parties to prepare a comprehensive report addressing the questions raised about the compact during the 2013 legislative session. This report shall be submitted to the WPIC well in advance of the 2015 session, and made available for public review on the DNRC website. Further, I am directing the Commission and the DNRC to consult with interested parties in the preparation of this report, to ensure that it addresses all questions and concerns in as thorough and professional a manner as possible. If the compact is again considered during the 2015 legislative session, legislators and the public shall have a full and accurate understanding of its content.

SB 265 serves no useful purpose and needlessly delays the Montana General Stream Adjudication to the detriment of tens of thousands of Montana water users. For these reasons, I veto SB 265.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 3, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 337** (SB 337), "AN ACT CLARIFYING THE DEFINITION OF 'GOOD CAUSE SHOWN' FOR A HEARING ON A TEMPORARY PRELIMINARY DECREE OR PRELIMINARY DECREE; AND AMENDING SECTION 85-2-233, MCA."

SB 337 proposes to amend the statute defining who has standing to object to a water right claim in the Montana Water Court, and who is entitled to a hearing. SB 337 would grant standing only to a person with an ownership or leasehold interest in "an existing water right, permit, certificate, or state reservation under 85-2-316 or a right to water through an irrigation project." Unfortunately, this language excludes others who have a substantial interest in the fair adjudication of water.

For example, irrigators who contract for water delivered out of a storage reservoir do not have an ownership interest in "a right to receive water through an irrigation project" as required by SB 337. Similarly, others such as municipalities and industrial users who contract for stored water would not be allowed to object, even though they may be significantly affected by adjudication. Water users with real and substantial interests at stake will be excluded under SB 337.

It is important for the adjudication process to be as comprehensive as possible. Narrowing the scope of participation will leave the state's adjudication process vulnerable to challenges by others who may seek to claim Montana's water, such as downstream states or the federal government. Further, the language of SB 337 appears to raise constitutional issues in light of the Montana Supreme Court's rationale in Montana Trout Unlimited v. Beaverhead Water Company, 361 Mont. 77 (2011).

I proposed amendments to fix these problems, and consistent with the Supreme Court's rationale in Beaverhead Water, would have defined those with standing to object as persons not only with an "ownership or leasehold interest" but those with an economic, or other substantial interest. In order to have standing an individual would have been required to demonstrate a real interest in the water right, not simply a general interest as a member of the public. Although the Senate saw the wisdom of these amendments, they were unfortunately rejected by the House.

Water right objections help to ensure the accuracy and fairness of adjudication, and SB 337 would leave too many potential objectors out of the process. Organizations or individuals that

have a real, demonstrable interest in the accurate adjudication of water rights should be able to object. The Montana Supreme Court, in a practical and wise decision, has reasoned that they deserve their "day in court." I will not allow that right to be taken away.

For these reasons, I now veto SB 337.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 3, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 347** (SB 347), "AN ACT PROVIDING THAT A DIVERSION OR WITHDRAWAL OF WATER IS NOT DEGRADATION UNDER THE WATER QUALITY ACT; AMENDING SECTIONS 75-5-103 AND 75-5-317, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Under existing laws protecting water quality, which have been in effect for two decades, an activity that decreases water flow does not have a significant impact to water quality if the decrease is within measurable numeric limits. A decrease in flow outside of these numeric limits may still be acceptable, if the Department of Environmental Quality (DEQ) makes certain findings based on specific criteria.

SB 347 would amend the Montana Water Quality Act, replacing these protections with only a narrative standard that would require DEQ to determine if the decrease in flow would "have a reasonable possibility to cause a significant adverse impact on a fish population."

I have several concerns with this approach.

First and foremost, I am concerned that this change will invite substantial litigation, delaying the

creation of jobs. SB 347 would replace a set standard that is measurable and understood ("decrease in the mean monthly flow of a surface water by less than 15% or the seven-day 10 year low flow by less than 10%"), with a narrative description that is subject to dispute and differing scientific opinions. The vagueness of the narrative standard in SB 347 was identified by several parties during the legislative process. This is sure to generate litigation.

Second, the reference to "a fish population," while very important, is not consistent with our laws relating to surface water quality which generally focus on protecting "aquatic life" as the yardstick. A stream should be protected from dewatering even if it does not contain fish. Besides, every angler knows that healthy aquatic insects are critical for healthy fish populations.

Third, the Legislature has previously determined that the impacts on existing beneficial uses of water are an important consideration (section 75-5-301 (5)(c)(i), MCA). SB 347 does away with this consideration, except when protecting "a fish population" also happens to protect these other uses of water (or where the decrease in flow is for a beneficial use, which is then reviewed for its impacts on senior water right holders under Title 85, Chapter 2, MCA).

I proposed amendments to address these concerns and to provide existing applicants and permit holders some flexibility in meeting the new requirements. Unfortunately, the Senate leadership refused to take my amendments to the floor for a vote.

I am requesting that the Board of Environmental Review conduct a public process to examine its existing rules regarding the regulation of flow for water quality purposes and consider whether those rules are reasonable and protective of public health and the environment.

For these reasons, I now veto SB 347.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

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May 6, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Monday, May 6, 2013, I signed the following Senate Bills and delivered them to the Secretary of State:

Senate Bill 96 -Tutvedt
Senate Bill 101 - Facey
Senate Bill 117 - Sonju
Senate Bill 162 - Keane
Senate Bill 175 - Jones
Senate Bill 201 - Hamlett
Senate Bill 215 - F. Moore
Senate Bill 217 - Hamlett
Senate Bill 223 - Caferro
Senate Bill 231 - Augare
Senate Bill 264 - Arntzen
Senate Bill 323 -Thomas
Senate Bill 335 - Hamlett
Senate Bill 336 - Hamlett
Senate Bill 342 - Windy Boy
Senate Bill 364 - Vincent
Senate Bill 386 - Facey
Senate Bill 410 - Ripley

I have vetoed the following bills:

Senate Bill 81 - Lewis
Senate Bill 148 - Jones
Senate Bill 240 - Tutvedt
Senate Bill 256 - F. Moore
Senate Bill 269 - Walker
Senate Bill 282 -Tutvedt
Senate Bill 305 - Peterson
Senate Bill 370 - Essmann
Senate Bill 394 - Wittich
Senate Bill 401 - Sesso

Sincerely,

STEVE BULLOCK
Governor

SENATE JOURNAL
ADDENDUM
63RD LEGISLATURE

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

I hereby **sign into law Senate Bill 175**, "AN ACT GENERALLY REVISING SCHOOL FINANCE LAWS BY INCREASING FUNDING, REDUCING SCHOOL DISTRICT PROPERTY TAXES, AND INCREASING FLEXIBILITY TO SUPPORT IMPROVED ACADEMIC PERFORMANCE OF STUDENTS ENROLLED IN PUBLIC SCHOOLS; CREATING A K-12 DATA TASK FORCE; ESTABLISHING A DATA-FOR-ACHIEVEMENT PAYMENT; REDIRECTING OIL AND NATURAL GAS PRODUCTION TAX REVENUE FROM THE STATE GENERAL FUND TO A NEW NATURAL RESOURCE DEVELOPMENT K-12 FUNDING PAYMENT TO SUPPORT BASE BUDGETS OF SCHOOL DISTRICTS; ENHANCING THE STATEWIDE K-12 DATA SYSTEM TO IMPROVE TIMELY ACCESS TO INFORMATION NEEDED TO POSITIVELY IMPACT STUDENT PERFORMANCE; STRENGTHENING SAFEGUARDS TO PROTECT THE PRIVACY OF STUDENT DATA; AMENDING THE DEFINITION OF BASE AID TO INCLUDE THE NATURAL RESOURCE DEVELOPMENT K-12 FUNDING PAYMENT AND THE TOTAL DATA-FOR-ACHIEVEMENT PAYMENT; APPLYING INFLATIONARY ADJUSTMENTS TO ENTITLEMENTS; REVISING AND INCREASING THE BASIC ENTITLEMENT; ALLOWING SCHOOL DISTRICTS TO ADD INCREASES IN THEIR BASIC AND PER-ANB ENTITLEMENT TO THE PREVIOUS YEAR'S GENERAL FUND BUDGET; REVISING AND CREATING EXCEPTIONS TO THE LIMITS, ALLOCATION, AND BUDGETING REQUIREMENTS FOR A SCHOOL DISTRICT RECEIVING OIL AND NATURAL GAS PRODUCTION TAX REVENUE; ADDING A THIRD ENROLLMENT COUNT TO CALCULATE ANB; REVISING THE CALCULATION OF ANB TO INCLUDE STUDENTS MASTERING CONTENT IN FEWER HOURS THAN OTHERWISE REQUIRED; ALIGNING THE REQUIREMENT OF REMOVING FUNDING FOR A SCHOOL LOSING ACCREDITATION WITH THE BOARD OF PUBLIC EDUCATION'S ACCREDITATION MODEL; REVISING WHEN AN INCREASE TO ANB IS APPROVED BASED ON UNUSUAL ENROLLMENT FOR PURPOSES OF ESTABLISHING THE DISTRICT'S ENSUING YEAR'S BASIC ENTITLEMENT AND PER-ANB ENTITLEMENT; EXTENDING THE DEADLINE FOR CERTAIN SCHOOL DISTRICT FUND BALANCE LIMITS; AMENDING BONDING PROVISIONS TO ALLOW FOR THE ISSUANCE AND NEGOTIATION OF OIL AND NATURAL GAS REVENUE BONDS FOR SCHOOL PURPOSES; PROVIDING FOR SECURITY FOR OIL AND NATURAL GAS PRODUCTION BONDS; MODIFYING RECIPIENTS OF THE STATE OIL AND NATURAL GAS IMPACT ACCOUNT; PROVIDING THAT ANY EXCESS INTEREST AND INCOME REVENUE ABOVE $1 MILLION IN THE GUARANTEE ACCOUNT MUST BE ALLOCATED TO THE DISTRIBUTION OF THE REVENUE BETWEEN SCHOOL DISTRICT PROPERTY TAX RELIEF AND INCREASED BUDGET AUTHORITY FOR FACILITIES REPAIRS AND OTHER PURPOSES; SPECIFYING AN INTENT THAT INCREASED BUDGET AUTHORITY OF SCHOOL DISTRICTS ABOVE INFLATION BE USED TO IMPLEMENT RECENT CHANGES TO THE ACCREDITATION

STANDARDS ADOPTED BY THE BOARD OF PUBLIC EDUCATION; PROVIDING AN APPROPRIATION; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT TO TRANSFER MONEY TO THE GUARANTEE ACCOUNT TO SUPPORT INCREASES IN THE BASIC ENTITLEMENT AND PROVIDING FOR A TRANSFER FROM THE GENERAL FUND TO THE ACCOUNT; ESTABLISHING A STATE SCHOOL OIL AND NATURAL GAS DISTRIBUTION ACCOUNT; AMENDING SECTIONS 20-7-102, 20-7-104, 20-9-141, 20-9-306, 20-9-308, 20-9-310, 20-9-311, 20-9-314, 20-9-323, 20-9-326, 20-9-342, 20-9-344, 20-9-403, 20-9-406, 20-9-408, 20-9-422, 20-9-423, 20-9-426, 20-9-427, 20-9-430, 20-9-437, 20-9-438, 20-9-440, 20-9-517, 20-9-518, AND 20-9-622, MCA; AMENDING SECTION 29, CHAPTER 418, LAWS OF 2011; AND PROVIDING EFFECTIVE DATES, AN APPLICABILITY DATE, AND A TERMINATION DATE."

I am committed to investing in the education of Montana's children. The strength of our economy and our communities is directly related to the strength of our public school system. Montana is fortunate that we have quality schools and quality teachers. With the passage of SB 175 we will make a significant investment in our schools and our children's future. Local school boards will have greater ability to address needs, with increased resources and tools for school improvement initiatives, competitive salaries, and other priorities. Using our natural resource revenues, we can make these investments without raising property taxes.

SB 175 also specifically targets money to areas in Eastern Montana impacted by the oil boom in the Bakken. As Attorney General, I saw first-hand the impact this development is having on local communities. And while I welcome this vital economic development for our state, I also recognize that the impacts are immediate and should be addressed. SB 175 includes provisions to address impacts of schools in this region. In fact of the $51 million of additional investment in our K -12 education system, $22 million of that will go to just 39 of the state's 416 school districts. In 2015, I will ask the Legislature to reevaluate these provisions and to consider if the impacts have been addressed with the increased resource, and whether the mechanisms in SB 175 are the most effective and equitable way to address those impacts moving forward.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 81** (SB 81), AN ACT ALLOWING TAX CREDITS FOR CONTRIBUTIONS TO EDUCATIONAL IMPROVEMENT ORGANIZATIONS AND STUDENT SCHOLARSHIP ORGANIZATIONS BY INDIVIDUAL AND CORPORATE TAXPAYERS; CREATING PUBLIC SCHOOL AND STUDENT FUNDING THROUGH TAX REPLACEMENT PROGRAMS; ESTABLISHING REQUIREMENTS FOR ORGANIZATIONS THAT AWARD GRANTS AND SCHOLARSHIPS; ESTABLISHING REQUIREMENTS FOR AWARDING PUBLIC SCHOOL GRANTS AND DETERMINING ELIGIBLE PUBLIC SCHOOLS; ESTABLISHING REQUIREMENTS FOR GRANTING STUDENT SCHOLARSHIPS AND DETERMINING EDUCATION PROVIDERS THAT ARE ELIGIBLE TO EDUCATE STUDENTS RECEIVING SCHOLARSHIPS; PROVIDING THAT THE AMOUNT OF A SCHOLARSHIP IS NOT TAXABLE INCOME; ESTABLISHING THE MAXIMUM AMOUNTS THAT MAY BE CLAIMED AS CREDITS; LIMITING THE TOTAL AMOUNT OF CREDITS THROUGH AN APPLICATION PROCESS TO THE DEPARTMENT OF REVENUE; REQUIRING REPORTS TO THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE; ESTABLISHING ORGANIZATION REVIEW AND TERMINATION PROCEDURES; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 15-30-2110, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE."

SB 81 creates tax credits for individual and corporate contributions to "educational improvement organizations" and "student scholarship organizations." The ostensible purpose of the bill is to support and enhance the opportunity for private schooling in Montana.

I recognize and support the right of parents to choose to educate their children in private elementary and high schools, or at home. According to recent statistics, over 7,000 elementary and high school students attend private schools, and approximately 4,000 children are home-schooled. Thus, school choice exists in Montana. The issue raised by SB 81 is whether the State of Montana should subsidize school choice by creating an income tax credit that is projected to cost the state general fund in excess of $6.5 million over the next biennium, with increases beyond that in subsequent years. I do not believe it is right to do so from either a policy or a fiscal standpoint.

As a policy matter, I strongly support our public school system, and I believe as a state we properly should keep our focus on supporting and enhancing that system. Public education is the great equalizer in our society. The doors of our public schools are open to all children, and our educators serve those students with dedication and professionalism. By concentrating our

financial support on our public school system, we continue to build and maintain a society that is inclusive and not fragmented as I believe the framers of our Constitution intended. *See, e.g.*, Mont. Const. Conv., Tr. pp. 2008-09 ("The growth of a strong, universal, and free educational system in the United States has been due in part to its exclusively public character. Under federal and state mandates to concentrate public funds in public schools, our educational system has grown strong in an atmosphere free from divisiveness and fragmentation."). While we must safeguard the right of individuals and organizations to establish and maintain private schools, I do not believe we should subsidize those schools with tax revenues redirected from the state treasury.

As a fiscal matter, SB 81 costs the state general fund money that we cannot justify. We must maintain structural balance, and I am committed to maintaining an appropriate ending fund balance. Because the Legislature did not stay within these budgetary parameters, I have had to veto a number of bills, many of them well-intentioned, in order to maintain structural balance and leave money in the bank for a rainy day. SB 81 is one more bill that must be vetoed.

As stated above, I support parents' right to choose to educate their children outside of Montana's public school system. I do not, however, support legislation that subsidizes that right at the projected cost to the state general fund of more than $6.5 million in the coming biennium.

For these reasons, I veto SB 81.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 148** (SB 148), "AN ACT LIMITING THE AMOUNT OF LOST WAGES AND FRINGE BENEFITS AN EMPLOYEE MAY BE AWARDED WHEN

THE EMPLOYEE HAS BEEN WRONGFULLY DISCHARGED; AND AMENDING SECTION 39-2-905, MCA."

Montana's Wrongful Discharge from Employment Act strikes a balance between the interests of employers and the rights of workers. It requires that an employer have good cause before firing a person who is outside of their probationary period. If the employee challenges their termination and a jury determines that an employer did not have good cause for the discharge, the employee may recover up to four years of wages and benefits. Any wages that the employee earned or could have earned if they had diligently sought employment are deducted from the damage award.

I believe this balance works for Montana and that SB 148's limitation on damages could harm working Montanans. SB 148 keeps the four-year cap on damages but it limits a worker to half the wages and benefits they earned while working in the job. Thus if a jury found that an employer wrongfully discharged an employee and that employee had worked for three years, they would only be entitled to recover a year and a half of damages. While I absolutely agree that employers must have the right to discharge an employee for legitimate business reasons, I also recognize that being wrongfully discharged can have major financial implications for Montana's working families. Those workers, who have been found to have been discharged in violation of Montana law, should be able to recover reasonable damages. Because I believe current Montana law provides for that, I am vetoing SB 148.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 240** (SB 240), "AN ACT EXEMPTING CERTAIN

AIR AND WATER POLLUTION CONTROL EQUIPMENT FROM PROPERTY TAXES; AMENDING SECTIONS 15-6-135 AND 15-6-219, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

SB 240 proposes to exempt from taxation under § 15-6-135, MCA, air and water pollution control equipment that is placed into service after January 1, 2012. Those who have pollution control equipment in place prior to January 1,2012, will continue to pay tax at three percent of the market value of that equipment. The bill as written raises equal protection concerns.

The Montana Supreme Court has held that "... if the classification is reasonable, and if all of the subjects within a given class are accorded the same treatment, the legislation cannot be said to deny to anyone within such class the equal protection of the law ...." State ex rel. Schultz-Lindsay Constr. Co. v. Board of Equalization, 145 Mont. 380, 390 (1965); Montana Stockgrowers Ass'n v. Department of Revenue, 238 Mont. 113 (1989). Moreover, the United States Supreme Court in Eisenstadt v. Baird, 405 U.S. 438, 447 (1972), determined that "classifications must be reasonable, not arbitrary, and they must bear a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike."

With respect to SB 240, a taxpayer with pollution control equipment placed into service prior to January 1,2012, will continue to be taxed at 3 percent. Alternatively, a similar taxpayer with identical pollution control equipment placed into service after January 1, 2012, will receive a complete tax exemption for that pollution control equipment. There are no incentives in SB 240 encouraging new development, new technologies, or new energy production. Treating similarly situated taxpayers in the same classification differently, solely on the basis of the date on which they placed pollution control equipment into service, may not withstand an equal protection challenge. In addition, the potential loss of all tax revenues from pollution control equipment would create significant fiscal impacts for state and local governments.

The budget I proposed was balanced, left money in the bank for a rainy day, cut taxes for small businesses and homeowners, and maintained critical services. At the same time I laid out clear and basic expectations for the Legislature while considering the state budget. First, Montana's budget needs to be in structural balance we cannot spend more than we take in. Second, to ensure sound fiscal management, the Legislature needs to maintain a reserve of $300 million in ending fund balance. Finally, essential services and long-term liabilities must be addressed before the Legislature creates new programs or tax expenditures. While the short-term costs of SB 240 are minimal, given the legal concerns the long term costs could be significant.

For these reasons I veto SB 240.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 256** (SB 256), "AN ACT MAKING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS LIABLE FOR DAMAGE TO PRIVATE PROPERTY BY CERTAIN WILD BUFFALO AND BISON; REQUIRING AN ESTIMATION OF PRIVATE PROPERTY DAMAGE AND COSTS FOR WHICH THE DEPARTMENT WOULD BE LIABLE IF A WILD BUFFALO OR BISON PROPOSED FOR RELEASE OR TRANSPLANTATION ESCAPES; PROVIDING AN APPROPRIATION; AMENDING SECTION 87-1-216, MCA; AND PROVIDING AN EFFECTIVE DATE."

SB 256 would impose liability on the State of Montana for any damage to private property that results from wild buffalo and bison that have been transplanted or released. This would be the first time that, absent malfeasance, such a liability would be imposed on the State for the impacts of wild animals, even transplanted ones. The bill does not define what constitutes damage to private property, and sets the stage for litigation and potentially significant liability claims. For example, under SB 256, the State could be liable for the grass lost to grazing. In addition, as stated in the fiscal note, after fiscal year 2015 the Department of Fish, Wildlife & Parks (FWP) would be forced to divert license funds to pay for any damages, jeopardizing more than $18 million in federal funds.

SB 256 would set an unacceptable precedent. If applied to other species, this rationale would practically preclude any wildlife restoration efforts, regardless of the benefits. If this precedent had existed 100 years ago, Montana's world-class wildlife heritage would not exist today.
Just as troubling is the idea that the State should pay for damage to property resulting from the

actions of any wild animal, whether that would be wild bison eating grass in Eastern Montana, mule deer eating tulips in Helena, or a moose getting in the way of a vehicle in the Swan Valley. As recognized long ago, landowners in Montana fully understand that wildlife are practically part of the land itself:

> "Montana is one of the few areas in the nation where wild game abounds. It is regarded as one of the greatest of the state's natural resources, as well as the chief attraction for visitors. Wild game existed here long before the coming of man. One who acquires property in Montana does so with notice and knowledge of the presence of wild game and presumably is cognizant of its natural habits. Wild game does not possess the power to distinguish between *fructus naturales* and *fructus industriales*, and cannot like domestic animals be controlled through an owner. Accordingly, a property owner in this state must recognize the fact that there may be some injury to property or inconvenience from wild game for which there is no recourse." State of Montana v. Rathbone, 110 MT 225, 242 (1940).

Finally, it is worth noting that existing statute in 87-1-216, MCA, already directs FWP to develop and adopt, with full public participation, a specific management plan prior to any restoration effort on private or public land in Montana. This statute explicitly provides that FWP may be liable for damage to private property resulting from its failure to comply with the statute.

I am committed to improving the relationship between the sportsmen and women, FWP, and landowners of this state, and am grateful to the many landowners who provide vital habitat for our great wildlife herds. Their actions benefit all of us who are fortunate to live here. We must do more to work together, but SB 256 is not the answer.

For these reasons, I veto SB 256.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 269** (SB269), "AN ACT PROVIDING THAT EXPENDITURE ESTIMATES IN FISCAL NOTES ARE IN EXCESS OF OR A REDUCTION TO THE BASE BUDGET; CLARIFYING THAT PRESENT LAW ADJUSTMENTS ARE NOT INCLUDED IN THE BASE BUDGET; REPLACING REFERENCES TO A PRESENT LAW BASE BUDGET WITH REFERENCES TO PRESENT LAW ADJUSTMENTS; AMENDING SECTIONS 5-4-205, 5-12-303, 17-7-102, 17-7-111, 17-7-112, 17-7-123, AND 20-9-326, MCA; AND PROVIDING AN EFFECTIVE DATE."

SB 269 seeks to, among other items, establish a new basis from which fiscal notes are calculated, seeks to make a strict distinction between present law and new proposals, and effectively eliminates statewide present law adjustments. Simply stated, SB 269 creates more questions than it attempts to solve and does little but provide current legislative cover for the general misunderstanding of, and lack of learning about the state's budget process that has worked well for both sides of the aisle session after session.

Section 1 of the bill suggests that changes calculated in fiscal notes should start from the current fiscal year (i.e. the second year of the biennium). Acknowledging that the rest of the budget process is based off the base year (i.e. the first year of the biennium), undoubtedly this would lead to fiscal notes being understated and other procedural gaming of fiscal notes which, unfortunate as it may be, could be the point of this legislation. Further, Section 3 of the bill attempts to make a very strict distinction between present law and new proposals. It is unknown what the intent of this legislation is to address, as the categorization of decision packages has seemed to be a non-controversial issue, and the categorization of a decision package can already be changed by the Legislature with an affirmative vote in any respective legislative committee.

Moreover, the current budget processes employed by executive agency staff in the development, defense, and implementation of my budget are sound, transparent, and effective. SB 269 attempts to change a process that is tried and true, and attempts to disrupt a productive course of action with legislative "fixes" for problems that do not exist.

As our current statewide budget outlook is and has been superior, I would like to think that at least some of this success is due to the current budgetary processes we have in place in current statute, and not just plain luck. Based on my interpretation of our current processes and the expertise of my staff, I would argue it is the former. That said, SB 269 is a misguided

attempt to change a process that has helped make Montana the fiscal envy of the rest of the country.

For these reasons, I veto SB 269.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 282** (SB 282), "AN ACT GENERALLY REVISING TAXATION OF INCOME, INCLUDING THE CORPORATE LICENSE TAX; REQUIRING THE TAXATION OF INDIVIDUALS, PARTNERSHIPS, AND SUBCHAPTER S. CORPORATIONS, INCLUDING TRUSTS AND ESTATES, TO RELATE THE STATE INDIVIDUAL INCOME TAX TO FEDERAL TAXABLE INCOME; PROVIDING ADJUSTMENTS TO FEDERAL TAXABLE INCOME TO INCLUDE CERTAIN INCOME; PROVIDING ADJUSTMENTS TO FEDERAL TAXABLE INCOME TO EXCLUDE CERTAIN INCOME; ELIMINATING MOST INDIVIDUAL INCOME TAX DEDUCTIONS; ELIMINATING CERTAIN INDIVIDUAL INCOME TAX CREDITS; ELIMINATING CERTAIN CORPORATE LICENSE TAX DEDUCTIONS AND CREDITS; REVISING INDIVIDUAL INCOME TAX RATES SUBJECT TO A REDUCTION FOR NET CAPITAL GAIN INCOME; LOWERING CORPORATE LICENSE TAX RATES; REPEALING PROVISIONS RELATING TO PUBLIC CONTRACTOR'S FEES AND TAX; PROVIDING A TRANSITION FOR CREDITS THAT ARE SUBJECT TO A CARRYFORWARD; PROVIDING A TRANSITION FOR DIFFERENCES IN FEDERAL AND MONTANA INCOME TAX LAWS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-18-1312, 7-14-1133, 7-14-1636, 7-34-2416, 15-1-208, 15-30-2101,15-30-2102,15-30-2103,15-30-2104, 15-30-2113, 15-30-2151, 15-30-2153, 15-30-2328, 15-30-2329, 15-30-2501, 15-30-2512, 15-30-2602, 15-30-2605, 15-30-2606, 15-30-2618, 15-30-3003,15-30-3004,15-30-3005,15-30-3312, 15-30-3313, 15-31-121, 15-31-125, 15-31-127, 15-31-131, 15-31-162, 15-32-104, 15-32-106,

15-61-202, 15-61-203, 15-62-208, 15-63-202, 16-11-110, 19-2-1004, 19-17-407, 19-18-612, 19-19-504, 19-20-706, 19-21-212, 33-22-2006, 33-27-101, 33-27-102, 33-27-103, 37-4-104, 53-2-211, 67-11-303, 70-9-803, 75-2-103, 75-5-103, 87-2-102, AND 87-2-105, MCA; REPEALING SECTIONS 7-21-3701, 7-21-3702, 7-21-3703,7-21-3704,7-213710,7-21-3715, 15-30-2110, 15-30-2111, 15-30-2114, 15-30-2115, 15-30-2116, 15-30-2117, 15-30-2119, 15-30-2131, 15-30-2132, 15-30-2133, 15-30-2141, 15-30-2142, 15-30-2143, 15-30-2144, 15-30-2152, 15-30-2301, 15-30-2319, 15-30-2320, 15-30-2356, 15-31-124, 15-31-134, 15-31-137, 15-31-163, 15-31-172, 15-32-109, 15-32-115, 15-32-201, 15-32-202, 15-32-203, 15-32-303, 15-32-401, 15-32-402, 15-32-404, 15-32-405, 15-32-406, 15-32-407, 15-32-501, 15-32-502, 15-32-503, 15-32-504, 15-32-505, 15-32-506, 15-32-507, 15-32-508, 15-32-509, 15-32-510, 15-32-601, 15-32- 602,15-32-603,15-32-604,15-32-609,15-32-610, 15-32-611, 15-32-701, 15-32-702, 15-32-703, 15-50-101, 15-50-205, 15-50-206, 15-50-207, 15-50-301, 15-50-304, 15-50-307, 15-50-308, 15-50-309, 15-50-310, 15-50-311, 15-62-207, AND 33-2-724, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

I appreciate the Legislature's willingness to consider ways to simplify Montana's income tax system. However, the manner in which SB 282 attempts to simplify the system is not conducive to economic growth and job creation. Moreover, this measure would raise taxes on middle class families and senior citizens. I cannot justify a tax hike on 97,000 middle income Montanans.

Many of the credits which are eliminated under SB 282 have created jobs across Montana. Credits which are eliminated under the bill include the New or Expanded Industry Credit, Mineral Exploration Credit, Contractors' Gross Receipts Credit, Empowerment Zone Credit, Alternative Fuel Conversion Credit, Geothermal Heating System Credit, Alternative Energy Production Credit, Recycling Credit and Deduction, and the Biodiesel Credit. These credits were created to incentivize growth and development across the state and across many economic sectors from agriculture to heavy industry.

We should not increase taxes on the businesses that are creating jobs using these credits.

Finally, the budget I proposed was balanced, left money in the bank for a rainy day, cut taxes for small businesses and homeowners, and maintained critical services. At the same time I laid out clear and basic expectations for the Legislature while considering the state budget. First, Montana's budget needs to be in structural balance--we cannot spend more than we take in. Second, to ensure sound fiscal management, the Legislature needs to maintain a reserve of $300 million in ending fund balance. The Legislature's actions to date leave Montana with an insufficient ending fund balance and spend significantly more than current revenues allow according to the most recent analysis completed by the Legislative Fiscal Division.

However well-intentioned SB 282 may be, we simply cannot afford its cost of $2.7 million over the biennium and therefore I veto this bill.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 305** (SB 305), "AN ACT REVISING THE DEFINITION OF WILD BUFFALO AND WILD BISON; AND AMENDING SECTIONS 81-1-101, 87-2-101, AND 87-6-101, MCA."

SB 305 changes the definition of wild buffalo and wild bison to require that the animal "has never been owned," by a wide range of entities, "except for the state or a state agency." Current law is that a wild buffalo or wild bison "has not been reduced to captivity and is not owned by a person." Fish and wildlife in Montana are not actually "owned" by anyone, but are held by the state in trust for the benefit of the people of Montana. Under existing statutes the state is given broad management responsibilities for wild buffalo and wild bison, requiring the Departments of Livestock and the Department of Fish, Wildlife & Parks to exercise authority over the animals, including disease control, hunting, and possible relocation both within and without the state.

To effectively manage wild buffalo and wild bison in Montana, the state needs to rely on various partners including the federal government and the tribal nations. SB 305 precludes any meaningful role for these entities and severely limits the ability of the state to meet its obligations to the public under the law.

For these reasons, I veto SB 305.

Sincerely,

STEVE BULLOCK
Governor
cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 370** (SB 370), "AN ACT GENERALLY REVISING LAWS RELATED TO THE LEGISLATURE; REVISING LAWS RELATING TO FISCAL NOTES; AMENDING SECTIONS 5-4-201 AND 5-4-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

This bill would allow the Legislature to pass legislation from one house to another which has been deemed by the President of the Senate or Speaker of the House to have a fiscal impact to the State of Montana without an accurate fiscal analysis completed in compliance with Title 5, Chapter 4 of the Montana Code Annotated. This is a dangerous precedent which would, for the first time, legally allow the Legislature through willful ignorance, to ignore its constitutional responsibility to pass a balanced budget.

We, as elected leaders, have a responsibility to act as responsible stewards of the people's money. Turning a blind eye to the fiscal implications of legislation does not serve any of our shared purpose in doing so.

For these reasons, I veto SB 370.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana I hereby **veto Senate Bill 394** (SB 394), "AN ACT GENERALLY REVISING THE TAXATION OF INDIVIDUAL INCOME; DECREASING INDIVIDUAL INCOME TAXES LEVIED BY 5% FOR TAX YEAR 2014; AMENDING SECTION 15-30-2103, MCA; AND PROVIDING AN APPLICABILITY DATE AND A TERMINATION DATE."

The budget I proposed to the Legislature was balanced, left money in the bank for a rainy day, cut taxes for small businesses and homeowners, and maintained critical services. At the same time I laid out clear and basic expectations for the Legislature when considering the state budget. First, Montana's budget needs to be in structural balance--we cannot spend more than we take in. Second, to ensure sound fiscal management, the Legislature needs to maintain a reserve of $300 million in ending fund balance. Finally, essential services and long-term liabilities must be addressed before the Legislature creates new programs or tax expenditures.

SB 394 is a $47 million income tax rebate, with over 70 percent of the rebate directed to the top 20 percent of earners in our state. Nearly $26 million of the $47 million is directed to the top 10 percent of income taxpayers in Montana. Conversely, only $127 total of the nearly $50 million rebate is directed towards those with income in the lowest 10 percent in the state. These Montanans would see less than $0.0025 in income tax relief in 2014, or one-fourth of one penny. I am enclosing the analysis from my Budget Office for your reference.

I believe that Montana is more likely to create jobs if we ensure that our tax relief is targeted towards working families, small businesses, students, farmers and ranchers. Unfortunately, SB

394 does not meet that test.

For these reasons, I veto SB 394.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Mark Blasdel, Speaker of the House
Jeff Essmann, President of the Senate

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 401** (SB 401), "AN ACT REVISING DISPOSITION OF THE METALLIFEROUS MINES LICENSE TAX; AND AMENDING SECTION 15-37-117, MCA."

SB 401 decreases the allocation of metalliferous mines license tax proceeds deposited into the general fund by 10 percent and redirects those funds to hard rock mining counties. SB 401 results in an ongoing cost of more than $3.5 million to the state treasury.

The budget I proposed was balanced, left money in the bank for a rainy day, cut taxes for small businesses and homeowners, and maintained critical services. At the same time I laid out clear and basic expectations for the Legislature while considering the state budget. First, Montana's budget needs to be in structural balance--we cannot spend more than we take in. Second, to ensure sound fiscal management, the Legislature needs to maintain a reserve of $300 million in ending fund balance. Finally, essential services and long-term liabilities must be addressed before the Legislature creates new programs or tax expenditures.

However well-intentioned SB 401 may be, we simply cannot afford it and therefore I veto this bill.

Sincerely,

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House

May 7, 2013

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear President Essmann:

On Tuesday, May 7, 2013, I returned the following Senate Bills to the Secretary of State without signature:

Senate Bill 23 - Rosendale*
Senate Bill 44 - Keane*
Senate Bill 226 - F. Moore
Senate Bill 280 - Thomas
Senate Bill 297 - Arntzen
Senate Bill 346 - Vincent*
Senate Bill 369 - Facey*
Senate Bill 392 - Kaufmann*

*Senate Bill 23, Senate Bill 44, Senate Bill 346, Senate Bill 369 and Senate Bill 392 are five of 20 bills passed on 3rd reading by the Senate on April 5, 2013. The manner in which these bills were passed may violate the Montana Constitution. While these bills may be subject to a legal challenge, their validity is a question for the judicial branch to ultimately decide. I am, therefore, allowing these bills to become law without my signature.

Sincerely,

STEVE BULLOCK
Governor